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BOARD OF LAND AND NATURAL RESOURCES
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DEPUTY DIRECTOR - LAND

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DEPUTY DIRECTOR - WATER

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ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF:OCC:DH

CDUA: KA-3280

Acceptance Date: December 27, 2005
180-Day Exp. Date: June 25, 2006

MEMORANDUM

MAR 13 2006

TO: Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control

FROM: Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: CDUA KA-3280 for the Ochwat proposed Single Family Residence (SFR) located in the Haena District, Island of Kauai, Subject Parcel TMK: (4) 5-9-002:058

The Department has reviewed the CDUA KA-3280, and Final Environmental Assessment (FEA) for the Ochwat proposed Single Family Residence (SFR) located in the Haena District, Island of Kauai, Subject Parcel TMK: (4) 5-9-002:058 that was published in OEQC's January 8, 2006 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 OEQC's upcoming March 23, 2006 Environmental Notice.

We have enclosed four copies of the FEA and CDUA KA-3280 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.

Please contact Dawn Hegger of our Office of Conservation and Coastal Lands staff at 587-0380 if you have any questions on this matter.

Enclosures

c: Ben Welborn

Final Environmental Assessment

Ochwat Single-Family Residence

TMK (4) 5-9-02: 058
Ha`ena, Kauai, Hawaii

Submitted by:

Noel & Suzi Ochwat

February 2006

In Accordance with the Requirements for Chapter 343, HRS and
Chapter 200 of Title II, Administrative Rules
Department of Health, State of Hawai`i

LANDMARK
CONSULTING

Landmark Consulting Services Inc., P.O. Box 915, Hanalei HI. 96714, phone: 808.828.6332, fax: 808 828 6242 email: welborn@aloha.net

Attention:

REGARDING REVISIONS

FINAL ENVIRONMENTAL ASSESSMENT

This Final Environmental Assessment (FEA) of the proposed Ochwat Single Family Residence has been amended to reflect the comments that were received from various agencies after their review of the Draft Environmental Assessment (DEA) during the statutory 30-day public comment period which ended on February 7, 2006. The revised FEA addresses each recommendation and/or concern, which was raised by those who commented on the proposed actions. Documentation of the comments that were received and responses thereto are included herewith in Appendix 5 and referenced throughout the FEA where applicable. All changes and/or additions to the content of the FEA are ***highlighted throughout the document for ease of recognition by the use of an emboldened and italicized script***. One new section relating to Aquatic Resources has been added to the Final EA, together with three new exhibits (9B, 14 & 15) and one new appendix (#5). Also, part II of Exhibit 8 was revised by the civil engineer to correctly reflect the FIRM panel flood zoning of the subject parcel.

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LIST OF EXHIBITS

APPENDICES

SECTION I

PROJECT DESCRIPTION

A. OWNER / APPLICANT

Noel & Suzi Ochwat
865 Balboa Avenue
Laguna Beach, CA 92651

Consultant for Applicant:

Landmark Consulting Services
Contact: Ben Welborn
P.O. Box 915
Hanalei, HI 96714
Phone: (808) 828-6332
Fax: (808) 828-6242
Email: welborn@aloha.net

B. APPROVING AGENCY

State of Hawaii
Board of Land and Natural Resources (BLNR)
P.O. Box 621
Honolulu, HI 96813

C. PROPOSED ACTION

The Applicants, Noel & Suzi Ochwat propose to construct a three (3) bedroom Single-Family Residence (SFR) of approximately ***2,990 square feet (revised from Draft EA which stated a total development area of 2,935 square feet)*** on the subject 7,931 square foot parcel. The structure will be constructed on piers, elevated to approximately 12 feet above the existing grade to conform to applicable County and Federal flood regulations. The lowest horizontal structural member of the residence will have a minimum elevation of 23 feet above Mean Sea Level (MSL). The ***2,990*** square foot structure will be comprised of approximately 1,585 square feet of interior living space, 575 square feet of lanai areas, and ***830 square feet for an enclosed storage area and ceramic studio on the lower ground level.*** Refer to Exhibits 6, 9, ***9-B,*** 10 and 11 for a Plot Plan, Floor Plan, and Exterior Elevation perspectives of the proposed residence.

The architecture of the building is of a simple plantation style, which takes full advantage of the mountain views that the parcel has to offer. The exterior colors will be in medium to dark earth tones, complemented by finishes such as bamboo, hardwoods and faux rock surfacing on the columns. The Applicants' intent in designing the home

was to develop a residence which would be compatible with the surrounding environment and existing development on nearby parcels. Minimal site grading will occur, primarily for the driveway and within the footprint of the home site itself. The maximum height of the proposed structure is approximately 27 feet above existing grade. ***The proposed height of the Ochwat residence is consistent with the County of Kauai Zoning Ordinance which allows for a maximum building height of 25 ft. OR MSL + 15 ft., whichever is greater. No County zoning or building height variances are required.***

Landscaping will be used to soften the visual impact of the proposed structure from adjoining property owners. Landscaping will consist of groundcovers, ornamental shrubs, and various trees, which are known to be compatible with the soils and climate of the area.

D. ANTICIPATED DETERMINATION

EIS REQUIRED _____ NOT REQUIRED __X__

E. PROJECT SITE LOCATION

The subject parcel is located in Haena, approximately 7.2 miles west of Hanalei town on the northern coastal plain of Kauai. Refer to exhibits and photo(s) for a graphic representation of the site location and characteristics.

TMK:	(4) 5-9-02: 058
Island:	Kauai
District:	Hanalei
Zoning:	Conservation
State Land Use:	Conservation (Limited Subzone)
County General Plan:	Conservation; Open / Special Management Area (SMA)
Current Land Use:	Vacant Undeveloped Land
Proposed Land Use:	Single-Family Residence
Adjacent Land Use:	Residential Development & Vacant Parcels

F. NECESSARY PERMITS AND ENVIRONMENTAL REQUIREMENTS

1. **State Conservation District Use Permit (CDUP)**
   Department of Land and Natural Resources, Planning Branch

2. **Environmental Assessment**
   State Office of Environmental Quality Control
   Department of Health

3. **County of Kauai Building Permit**
   Department of Public Works (with approval from other County agencies)

4. **Special Management Area (SMA)**
   Determination of Exempt Status for Single-Family Residence
   County of Kauai Planning Department
   Attached hereto as Exhibit 13

5. **Individual Wastewater System Permit**
   State Department of Health

G. AGENCIES CONSULTED IN PREPARING ENVIRONMENTAL ASSESSMENT

The following agencies and affected parties were consulted and provided with an opportunity to comment upon the proposed project:

- DLNR, State Historic Preservation Division
- DLNR, Division of Aquatic Resources
- DLNR, Division of Forestry and Wildlife
- DLNR, Division of State Parks
- DLNR, Land Division
- State Department of Health, Environmental Health Division
- Office of Environmental Quality Control
- Office of Hawaiian Affairs
- County of Kauai, Planning Department
- The Sierra Club, Kauai Chapter
- The Hanalei Community Association
- Rechtman Consulting
- Landmark Consulting Services
- Bertha Tom – Neighboring Property Owner
- Brian Krone – Neighboring Property Owner
- Germain Chandler – Neighboring Property Owner
- Michael Tiernan – Neighboring Property Owner
- Nick Michaels – Neighboring Property Owner
- Presley Wann – Neighboring Property Owner
- Robert Sommer – Neighboring Property Owner

- Roger Browning – Neighboring Property Owner
- Ruth Chang – Neighboring Property Owner

All pre-assessment comments that were received and responses thereto are included herewith in Appendix 1. Where applicable, agency requirements and recommendations were addressed and incorporated into the documentation of the Draft EA. Substantive pre-assessment comments were received from: 1) DLNR, State Historic Preservation Division, 2) Office of Environmental Quality Control, 3) Office of Hawaiian Affairs, and 4) State Department of Health. No written pre-assessment comments were submitted from any of the neighboring property owners.

After publication of the Draft EA, additional written comments were received from the following Agencies:

- ***DLNR, Division of Aquatic Resources***
- ***DLNR, Engineering Division***
- ***DLNR, State Historic Preservation Division***
- ***State Office of Hawaiian Affairs***
- ***State Office of Environmental Quality Control***

Draft EA Comment letters and responses thereto can be found in Appendix 5. Where necessary additional language, clarification, and/or revisions have been incorporated into this Final EA to address the comments and recommendations provided by these agencies.

H. PUBLIC POLICIES

1. STATE LAND USE LAW

The project site is situated within a Limited Subzone of the State Conservation District. The proposed action is therefore subject to the land use regulations and permit application review process of Chapter 13-5, Hawaii Administrative Rules, as administered by the Department of Land and Natural Resources.

The Applicants are proposing an identified use within the Limited Subzone. A Board Permit is being requested.

2. COUNTY GENERAL PLAN

The Kauai County's General Plan designates the project area as Conservation /Open Space. This represents the County's desire to manage large development within the vicinity and to promote open spaces, recreational uses, and natural landscapes wherever possible.

The Applicants are proposing to develop within a footprint of approximately 2,145 square feet on the 7,931 square foot parcel, which is equivalent to approximately 27% of the overall area. The remaining 73% of the parcel will be kept in open space, in a naturally landscaped setting consistent with the intent of the County's General Plan.

3. COUNTY ZONING

Conservation / Open

4. SPECIAL MANAGEMENT AREA

The project site is located within the Coastal Zone Special Management Area (SMA); as administered by the SMA Rules and Regulations of the County of Kauai. However, the construction of a Single-Family Residence is typically exempted from obtaining an SMA permit. A letter from the County of Kauai Planning Department confirming exempt status of the proposed action from SMA Permitting requirements is attached hereto in Exhibit 13. The proposed action shall not have a long-term or detrimental impact upon the coastal ecosystems, marine resources, beaches, shoreline, or flora and fauna of the area. Nor shall it impact scenic or open space resources in a negative manner. The project will not create any additional coastal hazards such as heightened erosion, subsidence, and/or pollution. The proposed residence is not part of a larger development planned for the area.

I. PROJECT CHARACTERISTICS

1. GENERAL CHARACTERISTICS

Refer to Section III – "Proposed Action" for a general description of the proposal.

2. TECHNICAL CHARACTERISTICS

Technically this action will authorize the Applicants to:

- Construct a Single-Family Residence and appurtenant infrastructure on the subject parcel.
- Perform the necessary grading and grubbing work in preparing the parcel for construction, pursuant to the issuance of all additionally required permits.

3. ECONOMIC CHARACTERISTICS

Significant long-term economic impacts are not anticipated as a result of the proposed action. Should the proposal meet the approval of the Board, there would be a short-term benefit upon the local construction industry, and an increase in real-property tax values. Money paid into the construction industry would most likely generate income in other sectors of the local economy.

4. SOCIAL CHARACTERISTICS

There are no significant social benefits or negative impacts that are anticipated as a result of the proposed action. The Applicants will apply Best Management Practices (BMP) during the development of the parcel. Landscaping will be used to screen the proposed structure from the adjoining property owners. The proposed use will not displace any exiting residences. The project site is currently vacant. A single new household in the area will not overburden existing public services or facilities.

5. ENVIRONMENTAL CHARACTERISTICS

The proposed action is not anticipated to have any significant long-term negative or beneficial impacts upon the environment. The proposed residence will not displace any existing agricultural or recreational land uses. No prime or unique lands of the State of Hawaii or its residents will be adversely affected by the proposed action. Section II of this Final EA, reviews in greater detail the potential environmental impacts of the proposed action, and where applicable suggests measures for the mitigation of negative outcomes.

6. TIME FRAME OF PROJECT

The completion of project design and permitting is anticipated for the 3rd quarter of 2006. Construction of the residence is expected to commence shortly thereafter, most likely during the first quarter of 2007. Construction activities are expected to have a duration of approximately 8 to 12 months, with the completion of the residence anticipated for the beginning of 2008.

7. FUNDING AND SOURCE

Development of the residence and appurtenant infrastructure is estimated to cost approximately $450,000.00, which is roughly calculated as $150.00 per square foot multiplied by the proposed ***2,990 square feet*** of development area. The Applicants will privately fund the development of the project.

SECTION II

Summary Description of the Affected Environment & Identification of Potential Impacts and Proposed Mitigation

A. PHYSICAL SITE DESCRIPTION

The subject parcel is located in Haena, in the district of Hanalei, on the northern coastal plain of the Island of Kauai, Hawaii. The parcel is designated by Kauai Tax Map Key No. (4) 5-9-02: 058, and consists of approximately 7,931 square feet of undeveloped land. The location of the parcel is graphically depicted in the exhibits attached hereto.

The subject parcel is accessed along "Road G" which is runs along the western boundary of the property. "Road G" is a 30-foot wide private roadway, which provides the parcel with direct vehicular access to Kuhio Highway. Parcels identified as TMK(s) (4) 5-9-02: 55, 57 and 59 abut the parcel on three sides - - to the west, south and north respectively. Numerous parcels within close proximity to the subject property have been developed with single-family residences of a comparable size and architectural style.

B. EXISTING LAND USE

The project parcel is currently vacant and undeveloped.

C. TOPOGRAPY

The topography of the subject parcel is generally level at elevations ranging from approximately 10.6 to 11.4 feet above mean sea level (MSL), refer to Exhibit 8. The topography of the parcel will be negligibly impacted within the footprint of the proposed SFR and along the course of the proposed driveway.

D. FLORA AND FAUNA

The subject parcel was surveyed by David W. Bender, Biological Consultant on May 7th, 2004. Mr. Bender found no rare or endangered plant or animal species or significant habitats of environmental concern currently existing on the subject property. See Appendix 4 – Floral & Faunal Survey Report which contains a complete plant list. It is the Applicants' intention to retain many of the plants that are currently growing on the parcel and to supplement these with additional landscape varieties.

E. SOILS

According to the Soil Survey of the Island of Kauai, State of Hawaii, prepared by the U.S. Soil Conservation Service, Department of Agriculture, the project parcel is located on land characterized by *Mr – Mokuleia fine sandy loam* type soils. *Mr* soils have a moderately rapid permeability in the surface layer and rapid permeability in the subsoil. Runoff is very slow, and the erosion hazard is slight.

F. CLIMATE

Rainfall is estimated to be between approximately 70 and 100 inches per year. The proposed action should not affect the local or macro climates in any manner.

G. AIR QUALITY

The air quality in the project area is excellent. The rural character of the site, the prevailing trade winds, and a close proximity to the ocean all combine to buffer the area against significant airborne pollutants.

During construction, minimal short-term impacts on air quality will result from dust-generated grading activities. The impacts will be temporary and relatively insignificant. Best Management Practices (BMP), including the sprinkling of exposed soils, will be employed to further minimize the impact of airborne dust. The inconvenience of dust associated with the proposed action is therefore anticipated to be negligible.

H. NOISE IMPACT

The project parcel and adjoining properties are currently impacted by vehicular traffic noise along the frontage of Kuhio Highway. Other predominant sources of noise within the vicinity of the project include that associated with overhead tour helicopters, and the more pleasant sounds generated by the wind and sea. By and large, the project area has a very low and pleasant noise level, as one would expect of such a rural site.

Noise levels are anticipated to temporarily increase with the onset of construction. Increased noise will be associated with the use of heavy machinery during grading, as well as with the use of power tools and hammers during construction of the residence. Once the house is completed, the construction-related noise will cease. Mitigative measures will be implemented to lessen the impact of the short-term noise generated by construction. This shall include the use of muffling devices on all gasoline or diesel-powered equipment. Furthermore, construction activities shall be restricted to the working hours between 7:30 AM and 5:30 PM.

Long-term noise resulting from the proposed action will be similar to that which is generated by other Single-Family Residences within the surrounding area. The proposed activities will not violate any State regulations regarding noise levels.

I. ARCHAEOLOGICAL AND HISTORICAL SITES

As required by the State Historic Preservation Division (SHPD), an Inventory Level Survey was conducted by *Rechtman Consulting* to determine the presence or absence of archaeological features on the subject property and to assess their significance. A complete surface survey was made of the property and three backhoe trenches were dug. No historic material, cultural material or historic sites were found. No human burials were discovered. Upon review of the survey report, the SHPD in a letter dated May 4, 2004, determined that no further archaeological work is currently necessary on the subject parcel for the project to proceed.

In the event that human burials are inadvertently discovered during construction activities, the owner/applicant understands that all work must immediately stop within the vicinity of the burials, and the SHPD as well as the police shall be promptly contacted to determine the jurisdiction and proper mitigation protocol for the burials. Under such circumstances the preparation of a burial treatment plan shall be required in consultation with the Kauai/Niihau Islands Burial Council, long-time Ha`ena residents and the SHPD. Refer to Appendix 2 for full documentation of the archaeological report & SHPD response.

J. CULTURAL IMPACTS

See attached Cultural Impact Assessment – Appendix 3 (adopted from the Browning CDUA submittal for TMK (4) 5-9-02: 062).

K. VISUAL IMPACTS

The proposed residence will be situated in a partially developed residential neighborhood. The residence will be compatible with existing residential development and the surrounding environment. Medium to dark earth tone colors will be used on all exterior surfaces. Cement columns will be finished with faux lava rock stucco. Vegetation will be used to soften the visual impact of the new residence as it is viewed from the adjoining private roadway and nearby parcels.

L. NATURAL HAZARDS

The area of proposed impact is situated within Flood Zone VE 23 as designated on the Federal Flood Insurance Rate Map (FIRM) - - refer to FIRM Panel 15000-20030-D dated October 18, 2002 (Exhibit 8). Zone VE is defined as a coastal flood area with a velocity hazard due to its potential susceptibility to 100-year inundation by tsunami. County regulations regarding structures located within this coastal high-hazard area require a "base flood elevation" for the lowest horizontal structural member of the

proposed residence to be 23 ft. above mean sea level. The design of the proposed residence is in compliance with the County flood regulations.

Kauai is the oldest of the major Hawaiian Islands; therefore, there are no active or dormant volcanoes which pose a threat to the parcel. Within the boundaries of the parcel itself, soil erosion concerns are negligible due to the relatively flat topography of the parcel, and the high permeability of the soil.

M. LAND USE CLASSIFICATIONS & COMPATIBILITY WITH SURROUNDING ENVIRONMENT

The State Land Use Commission designates the subject property as Conservation. The County General Plan classifies the property and surrounding areas as Conservation/Open.

No land use or zoning changes are required as a result of the proposed action. The construction of a single family residence is consistent with, and supportive of both the State's and the County's intended land uses and the intent of the Haena Hui Petition.

N. PUBLIC SERVICES AND FACILITIES

The construction of the proposed Single-Family Residence on the parcel shall not place an unreasonable additional burden upon public agencies or public utility providers servicing the area.

1. ACCESS

The parcel is provided with vehicular access via Kuhio Highway and "Road G".

2. WATER

County water is available to the parcel. No additional source or storage facilities are required for the proposed action.

3. WASTEWATER

Residential and public wastewaters within the project vicinity are treated through the use of individual septic systems. There are no municipal treatment plant facilities or public sewer pipelines associated with the project area, nor are any planned for the future. Prior to the construction of the proposed SFR, the Applicants will be required to apply for a building permit from the County of Kauai. A component of the building permit application is a State Department of Health approved Individual Wastewater System (IWS) plan in accordance with the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems".

4. **SOLID WASTE**

Residential solid waste is collected at curbside along Kuhio Highway on a weekly basis. Collected waste is compacted and transported to the Kekaha landfill for disposal. A recycling area will be designated on the subject property for the collection of aluminum, glass, cardboard and junk mail, as well as any other recyclable materials that are processed on Kauai. Green waste will be composted on site.

5. **FIRE PROTECTION**

Fire protection is provided by the County of Kauai. The nearest fire station is in Princeville with an estimated response time of approximately 15 minutes to the subject parcel. Under extreme emergency conditions, both the Kapaa and Lihue fire stations are prepared to respond to calls within the project area.

6. **EMERGENCY MEDICAL SERVICE**

Emergency medical service is provided by the Princeville fire station in conjunction with American Medical Response (AMR) a private medic firm, which is contracted with the State Department of Health. Response time is approximately 15 minutes to the subject property.

7. **POLICE PROTECTION**

Police protection is provided by the Kauai Police Department. The closest substation is located in Princeville, approximately 15 minutes from the project parcel.

8. **PUBLIC SCHOOLS**

Public schools servicing the Haena area are Hanalei School (Grades K-6), Kapaa Middle School (Grades 7 & 8), and Kapaa High School (Grades 9 – 12).

9. **UTILITIES**

Electrical power is provided by the Kauai Island Utility Cooperative (KIUC) and telephone service is provided by GTE Hawaiian Telephone. Utilities are supplied via overhead distribution lines along Kuhio Highway and then underground within the "Road G" corridor. All utility easements are in place.

O. AQUATIC RESOURCES

The subject parcel does not abut the shoreline or any inland waterways. There are no anticipated impacts upon aquatic resource as a result of the proposed action, be they direct or indirect. Best Management Practices (BMP), appropriate solid and toxic waste disposal, regular site clean-up and other such precautions will be taken to prevent petroleum products, construction debris, noxious paint products, chemical residue, landscaping chemicals and other potential contaminants from flowing, blowing or leaching into the aquatic environment.

SECTION III

SUMMARY OF MAJOR IMPACTS & ALTERNATIVES CONSIDERED TO THE PROPOSED ACTION

A. SUMMARY OF MAJOR IMPACTS

The subject parcel is currently characterized by undeveloped land. The proposed action will result in the construction of a Single-Family Residence, which will occupy a footprint of approximately 27% of the total lot area. The remainder of the lot (approximately 73%) will be landscaped and kept in open space. Site grading will be minimal in the vicinity of the footprint and access driveway for the proposed structure (refer to Plot Plan in Exhibit 6). The residential design and construction materials shall be compatible with the natural environment and the existing development of the area.

Long-term impacts of the proposed action shall include a marginal increase in traffic along Kuhio Highway and the perpetual increase in demand for associated public utilities. Short-term impacts associated with the development of the proposed residence will include construction noise, minor dust, and construction related traffic along Kuhio Highway. Erosion will be negligible due to the gentle slopes of the parcel and the permeability of the sandy soil characteristic of the area.

B. ALERNATIVES CONSIDERED

1. NO ACTION

A "No Action" alternative would result in no construction of a residence on the subject parcel. There would be no construction activity and related employment prospects. There would be no increase in the land value or associated government revenues from higher property taxes. Moreover, the owners will not be able to use the property for their personal and preferred use. For these reasons, a no-action alternative is not favorable.

2. ALTERNATIVE LOCATION

The location of the proposed structure on the subject parcel, as graphically depicted in the Plot Plan (Exhibit 6), is limited by the lot size and configuration. There is little room to situate the proposed structure in an alternate location.

3. ALTERNATIVE USE

The Applicants have not identified any alternative uses for the subject parcel which would satisfy their needs. The construction of a residence was the primary reason for the purchase of the property from its previous owner.

C. SUMMARY OF MITIGATIVE MEASURES

The major impacts of the proposed action will occur during the construction of the proposed residence. As described herein, the primary impacts will be construction related noise and dust, as well as a temporary increase in construction related traffic along Kuhio Highway.

The Applicants will implement all of the mitigative measures describe herein to prevent or reduce anticipated construction related impacts. Best Management Practices will be employed during construction to minimize airborne pollutants and dust. The heavy equipment that will be used for site grading will be properly maintained and equipped with exhaust systems and muffling devices to minimize their emissions and noise levels. Construction activities will be limited to the working hours between 7:30 AM and 5:30 PM. Noise levels shall comply with the State of Hawaii, Department of Health noise regulations. Furthermore, the Applicants agree to adhere to any additional measures that the Board may recommend to insure against environmental degradation.

SECTION IV

EXPECTED DETERMINATION & SIGNIFICANCE CRITERIA

A. DETERMINATION:

This Draft Environmental Assessment concludes that **no significant negative impacts** upon the environment, be they primary, secondary or cumulative, will result due to the implementation of the proposed action. Furthermore, the action does not have any associated hidden long-term environmental or social costs. The proposed construction of a Single-Family Residence is an identified land use within the Limited Subzone of the Conservation District. As such, in compliance with HRS 343 11-200-11, a **Finding of No Significant Impact (FONSI)** is anticipated. Therefore it is the Applicants' opinion that the manageable impacts of the project do not warrant the preparation of an Environmental Impact Statement.

B. SIGNIFICANCE CRITERIA:

Chapter 200 of Title 11, Administrative Rules of the department of Health which is entitled "Environmental Impact Statement Rules" establishes significance criteria for evaluating the impacts of a proposed action upon the environment. The relationship of the proposed **Ochwat Single-Family Residence** to each of these criteria is reviewed below:

1. **Involves an irrevocable commitment to loss or destruction of any natural or cultural resources.**

   The proposed action will not involve a loss or destruction of any natural or cultural resources.

2. **Curtails the range of beneficial uses of the environment.**

   The proposed action will not curtail the range of beneficial uses of the environment. Long-term negative environmental impacts are not anticipated as a result of the proposed action. All development is proposed to occur on private property.

3. **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 project does not conflict with the State's long-term environmental policies, goals and guidelines.

4. **Substantially affects the economic or social welfare of the community or State.**

   The project will not have a significant impact upon either the economic or social welfare of the community or State.

5. **Substantially affects public health.**

   The proposed action is not anticipated to substantially or negatively impact public health. The air quality and noise impacts that will result during the construction of the proposed residence will be of a short-term and insubstantial nature.

6. **Involves substantial secondary impacts, such as population changes or effects on public facilities.**

   The proposed action will not involve substantial secondary impacts. The development of a Single-Family Residence in an area which is already characterized by similar residential development will not create any additional pressures of a substantial nature.

7. **Involves a substantial degradation of the environmental quality.**

   The proposed action is not anticipated to have a negative impact upon the environment.

8. **Is individually limited, but cumulatively has considerable effect upon the environment or involves a commitment for larger actions.**

   The proposed project will not create a commitment for any larger action, nor will it contribute to a cumulative negative effect upon the environment. The proposed action is a stand-alone development project for the construction of a Single-Family Residence.

9. **Substantially affects a rare, threatened, or endangered species or habitat.**

   The project area is devoid of any rare, threatened or endangered species. The project will not place any nearby habitat at risk.

10. Detrimentally affects air or water quality or ambient noise levels.

As identified in the text of this Environmental Assessment, air quality and noise levels will be negatively affected throughout the various phases of project construction. Nevertheless, measures are proposed herein which will help to mitigate the extent of such impacts. No long-term negative impacts will result upon the air or water quality or upon ambient noise levels as a result of the proposed action.

11. 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.

The project is situated in Zone VE 23 as designated on the Federal Flood Insurance Rate Map (FIRM) prepared by the National Flood Insurance Program. Zone VE is defined as a coastal flood area with a velocity hazard (wave action) susceptible to a 100-year tsunami inundation. County regulations regarding structures located within this coastal high hazard area require a base flood elevation for the lowest horizontal structural member of the proposed residence to be 23 ft. above mean sea level. The design of the proposed residence is entirely compliant with these FIRM guidelines.

12. Substantially affects scenic vistas and view plains identified in County or State plans or studies.

The proposed action will not substantially affect scenic vistas and/or public view plains. The proposed residence will not be readily visible from Kuhio Highway. The Applicants propose to landscape the parcel with appropriate vegetation to soften the visual impact of the development from nearby property owners.

13. Requires substantial energy consumption.

The proposed Single-Family Residence will not consume substantial or undue amounts of energy.

SECTION V

PERMITS, VARIANCES, AND APPROVALS

A. SPECIAL MANAGEMENT AREA USE PERMIT

Since the project site is located within the Special Management Area (SMA), it is subject to the SMA Rules and Regulations of the County of Kauai; however, because the project is a Single-Family Residence, it is exempt from the SMA requirements. A letter from the County of Kauai Planning Department confirming SMA exempt status is included as Exhibit 13.

B. SHORELINE SETBACK CERTIFICATION / VARIANCE

The proposed project is located approximately 1/4 mile from the shoreline; it is therefore not subject to the shoreline setback requirements of the County of Kauai.

C. OTHER DEPARTMENTAL PERMITS

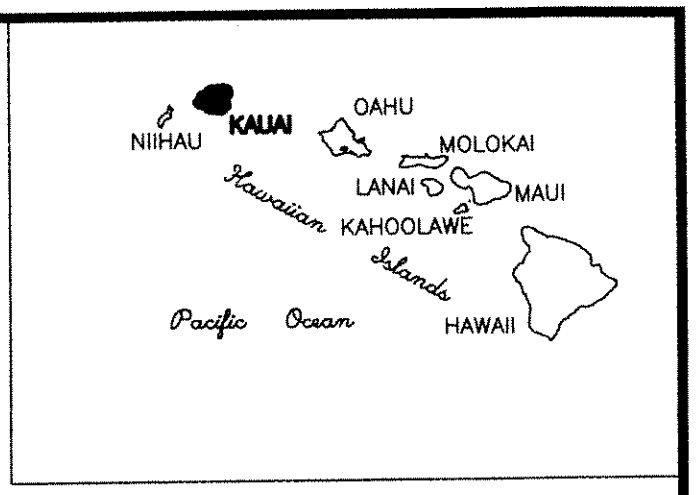
Additional construction related permits shall be obtained from both County and State agencies as is required of the Building Permit process which is administered by the Department of Public Works, County of Kauai. This shall include among other things a Department of Health approval for an Individual Wastewater System (IWS), and Public Works approval for grading, grubbing and structural design.

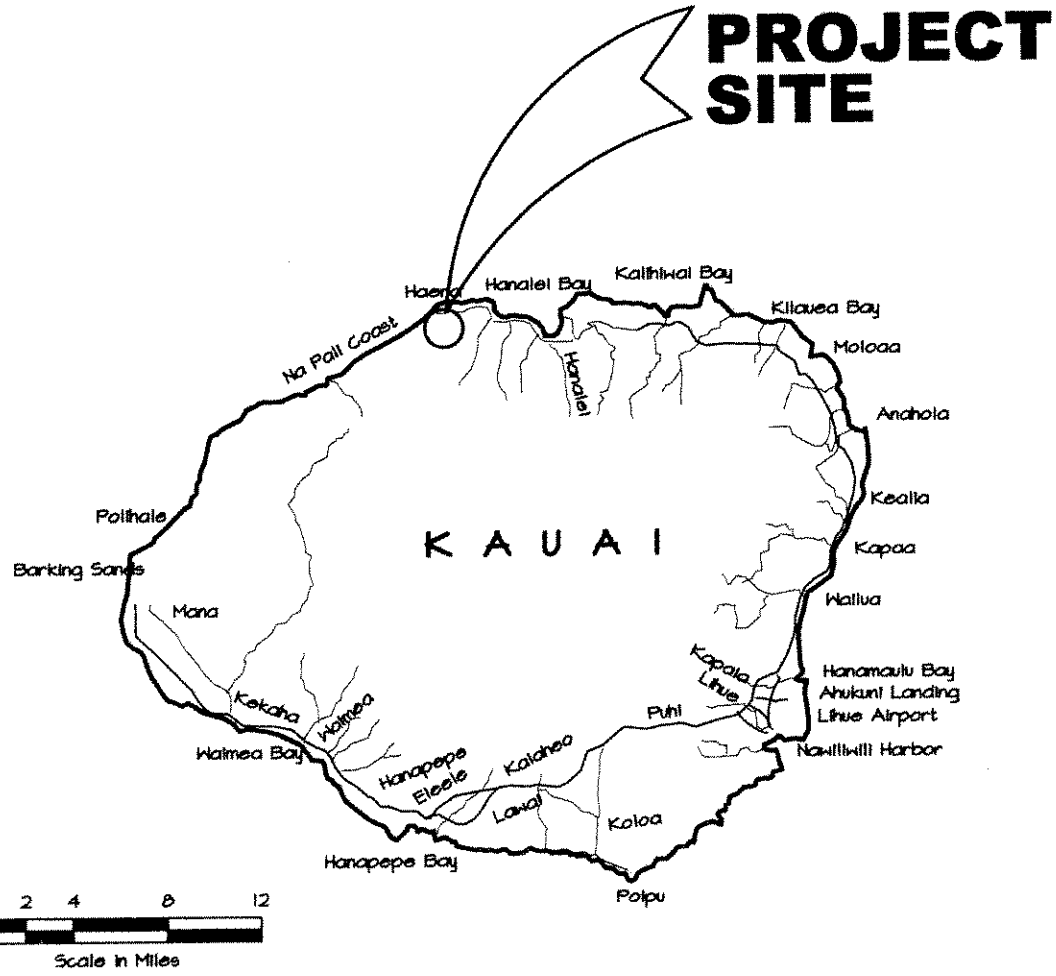
EXHIBITS

Ochwat Single Family Residence
Final Environmental Assessment

TMK (4) 5-9-02: 058
Ha`ena, Kaua`i, Hawai`i

Wagner Engineering Services, Inc.
P.O. Box 851 Hanalei, HI 96714 (808) 826-7256





OCHWAT RESIDENCE

LOCATION MAP

HAENA, KAUAI, HAWAII

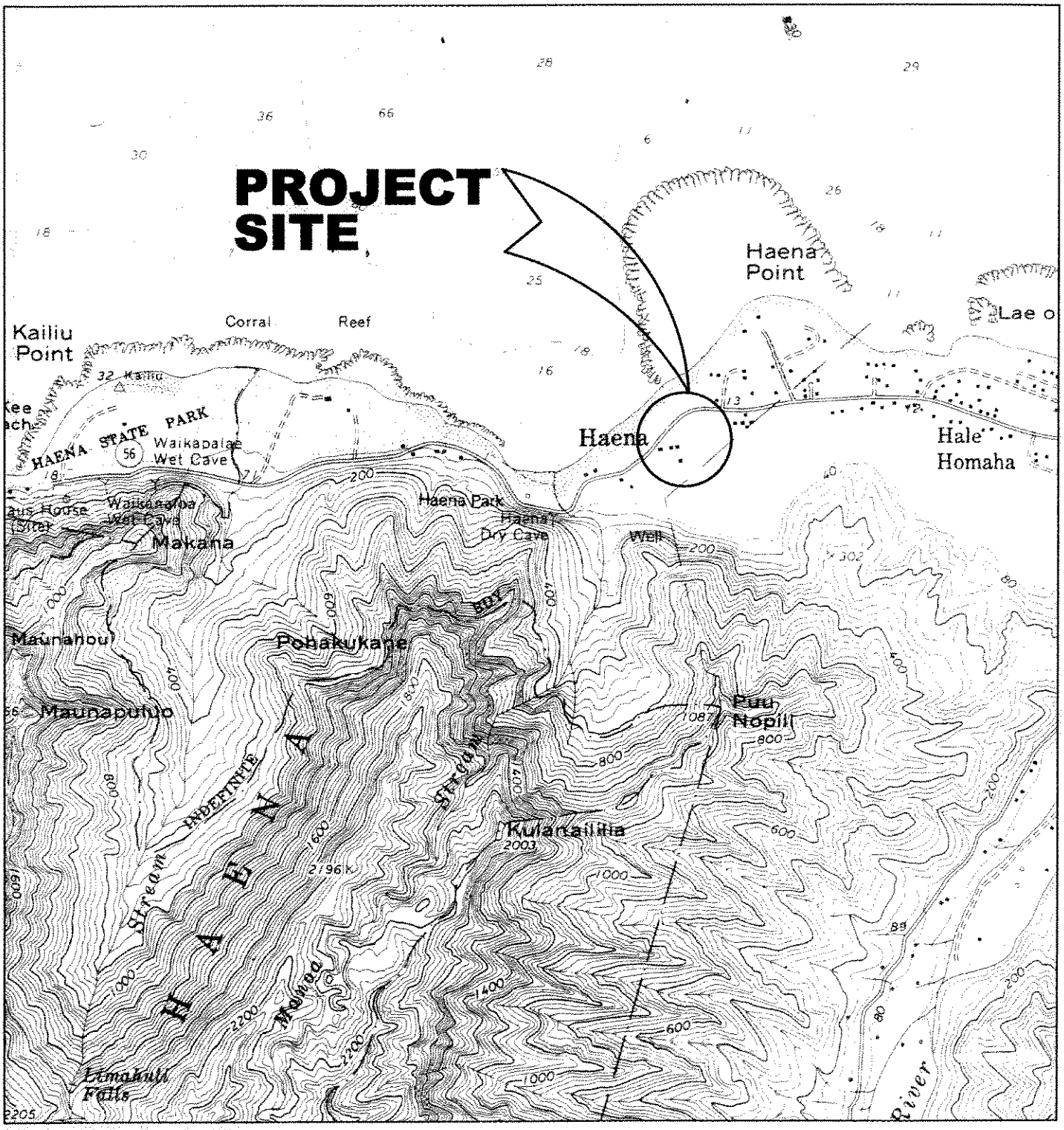
T.M.K. (4) 5-9-02:58

SHEET

1

EXHIBIT 1

Wagner Engineering Services, Inc.
P.O. Box 851 Hanalei, HI 96714 (808) 826-7256



OCHWAT RESIDENCE

VICINITY MAP

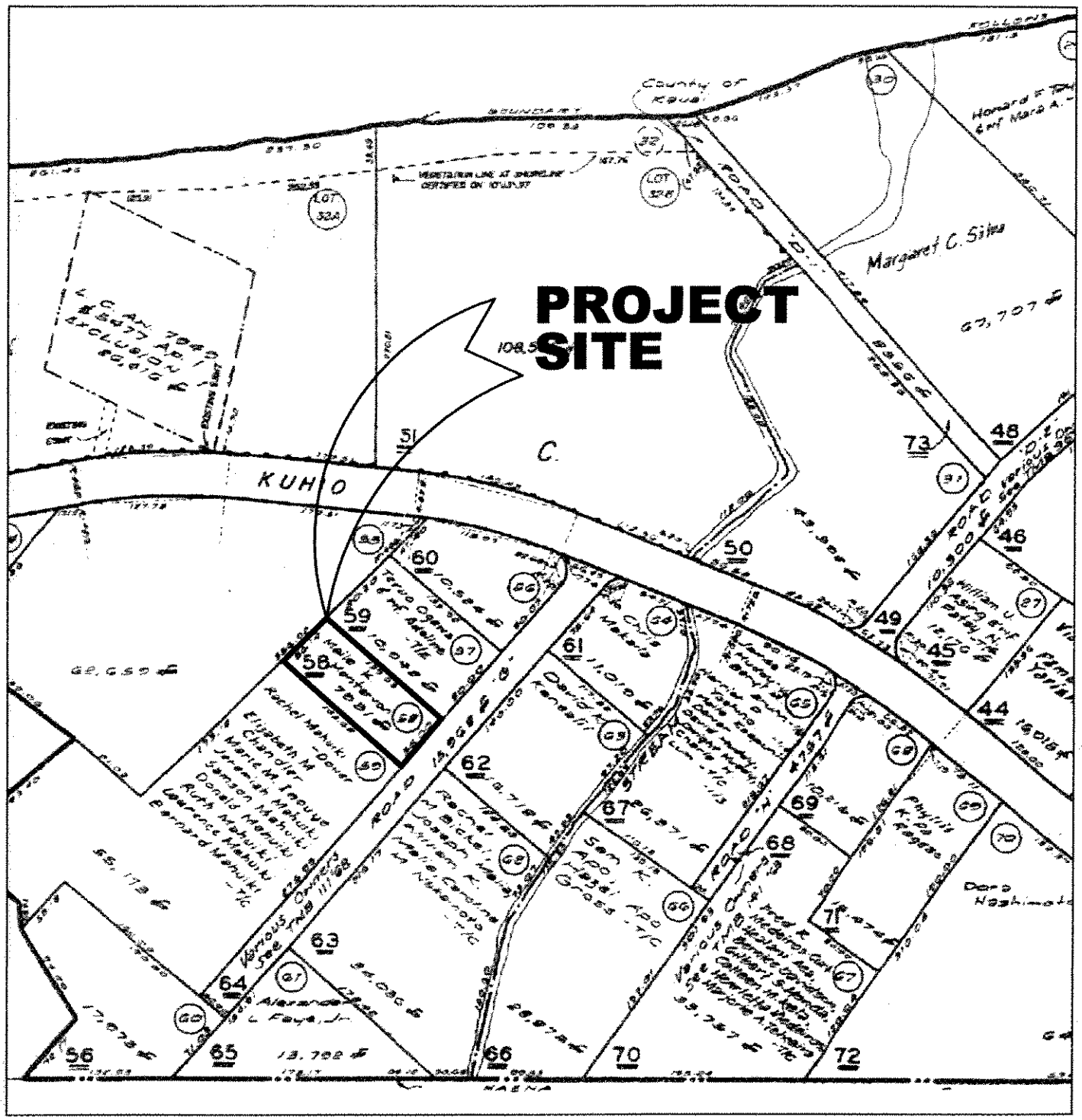
HAENA, KAUAI, HAWAII
T.M.K. (4) 5-9-02:58

SHEET

2

EXHIBIT 2

Wagner Engineering Services, Inc.
P.O. Box 851 Hanalei, HI 96714 (808) 826-7256



OCHWAT RESIDENCE

TAX MAP (4) 5-9-02:58

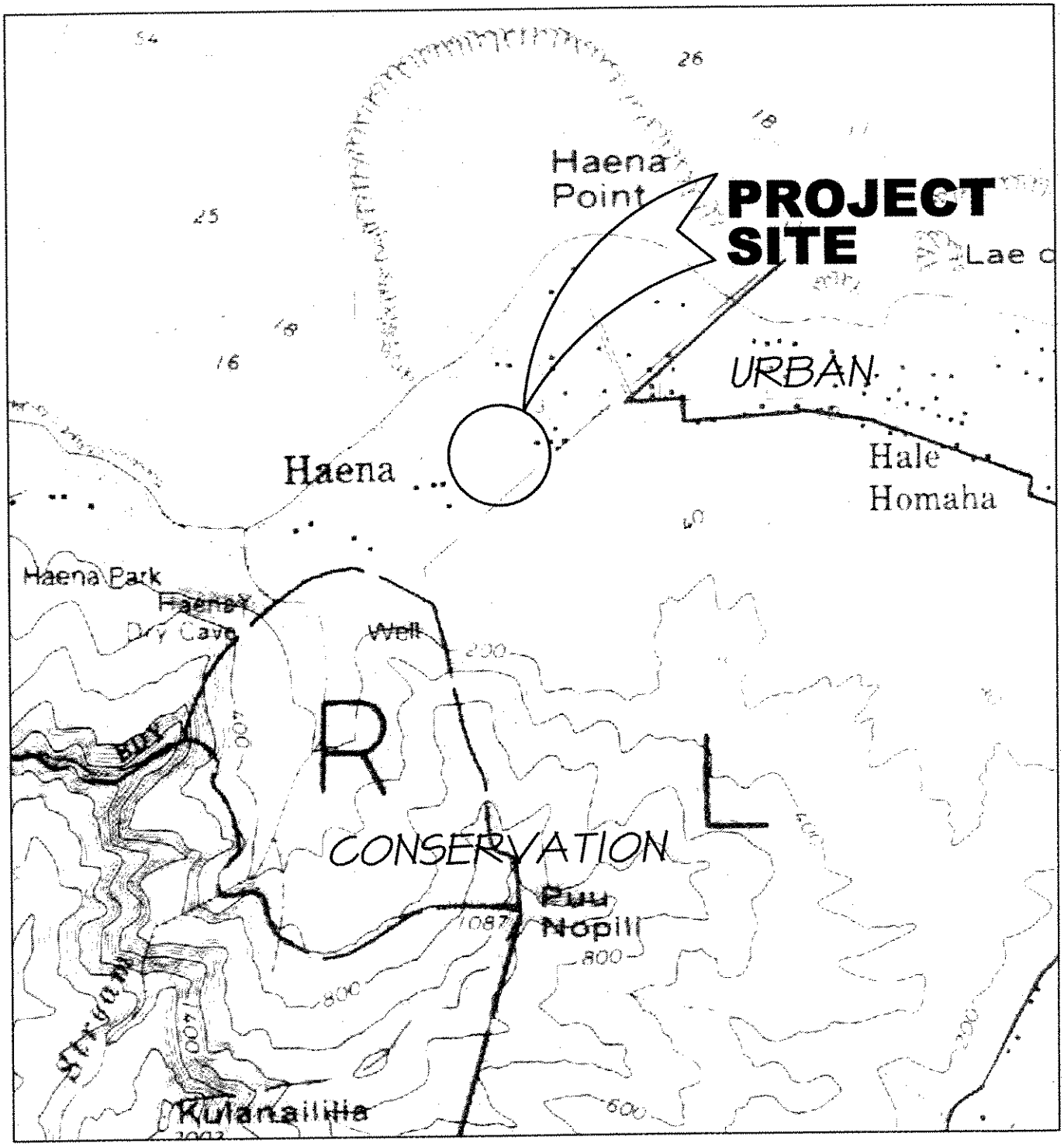
HAENA, KAUAI, HAWAII

SHEET

3

EXHIBIT 3

Wagner Engineering Services, Inc.
P.O. Box 851 Hanalei, HI 96714 (808) 826-7256



OCHWAT RESIDENCE

STATE CONSERVATION DISTRICT SUBZONE MAP

HAENA, KAUAI, HAWAII

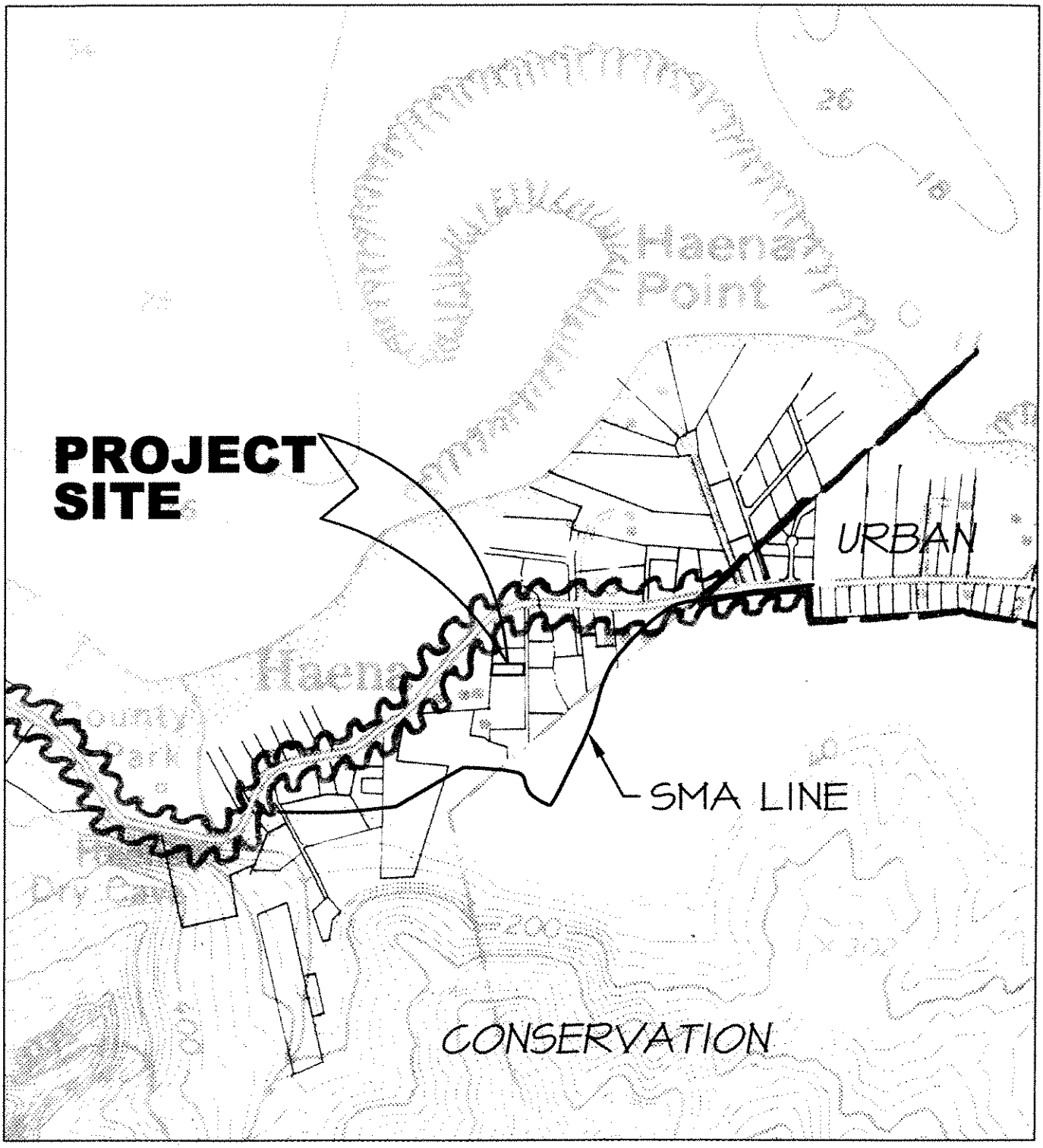
T.M.K. (4) 5-9-02:58

SHEET

4

EXHIBIT 4

Wagner Engineering Services, Inc.
P.O. Box 851 Hanalei, HI 96714 (808) 826-7256



OCHWAT RESIDENCE

COUNTY ZONING MAP

HAENA, KAUAI, HAWAII

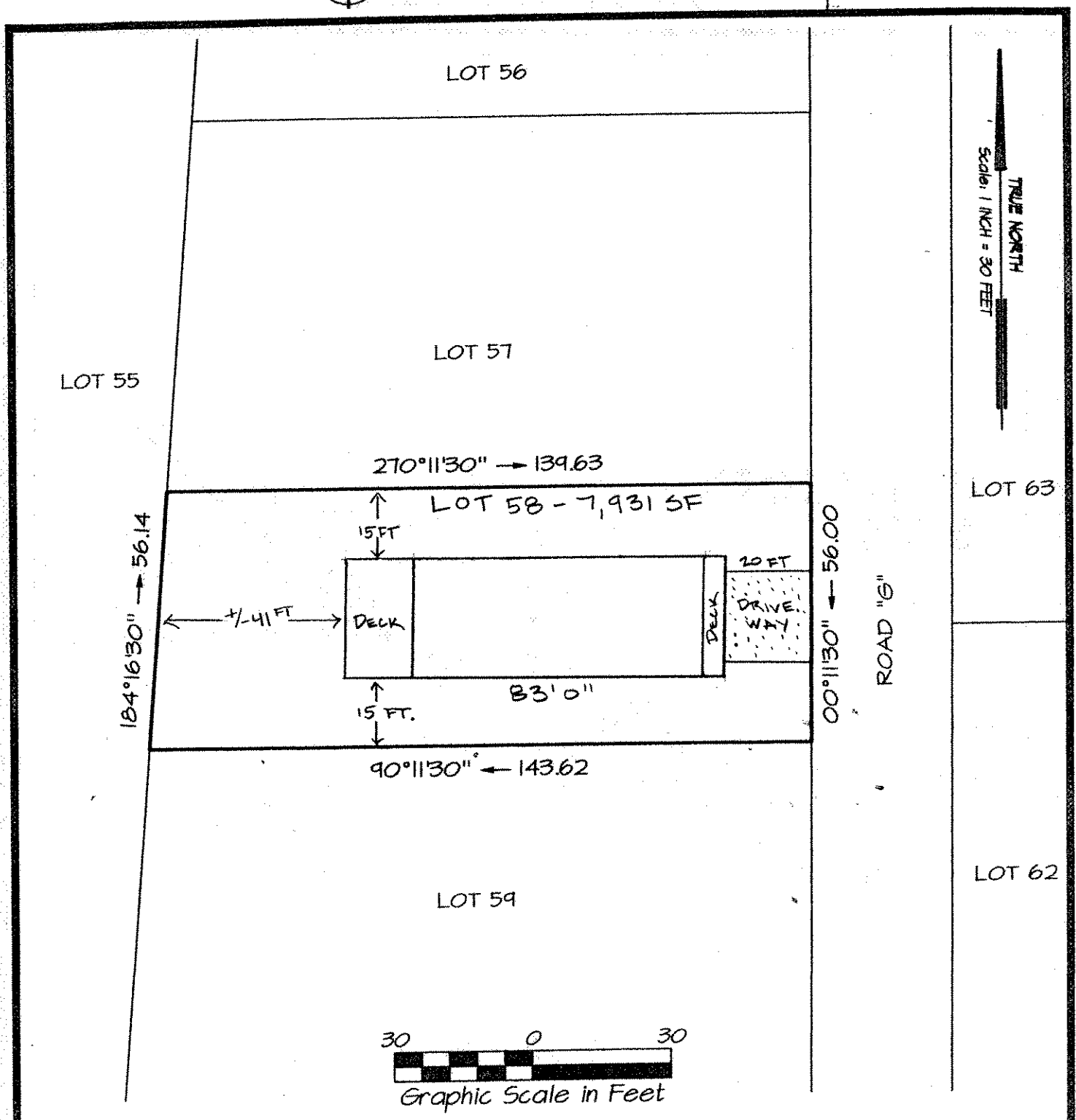
T.M.K. (4) 5-9-02:58

SHEET

5

EXHIBIT 5

Wagner Engineering Services, Inc.
P.O. Box 851 Hanalei, HI 96714 (808) 826-7256



OCHWAT RESIDENCE

PLOT PLAN

HAENA, KAUAI, HAWAII

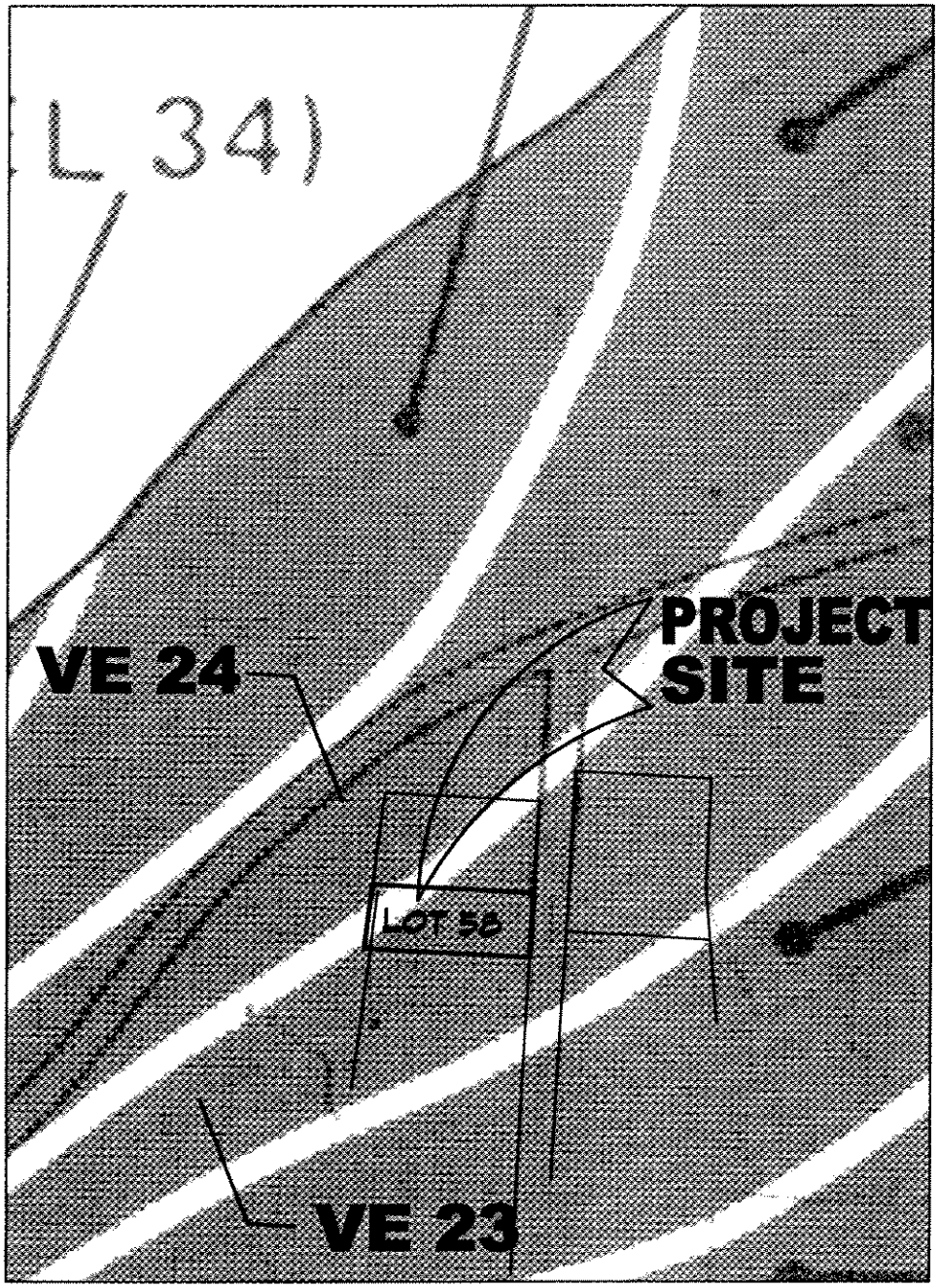
T.M.K. (4) 5-9-02:58

SHEET

6

EXHIBIT 6

Wagner Engineering Services, Inc.
P.O. Box 851 Hanalei, HI 96714 (808) 826-7256



SUBJECT PARCEL LIES PRIMARILY WITHIN FLOOD ZONE VE 23, COASTAL HIGH HAZARD AREA SUSCEPTIBLE TO TSUNAMI INUNDATION PER FIRM MAP # 1500020030 D DATED OCTOBER 18, 2002

OCHWAT RESIDENCE

FLOOD ZONE

HAENA, KAUAI, HAWAII

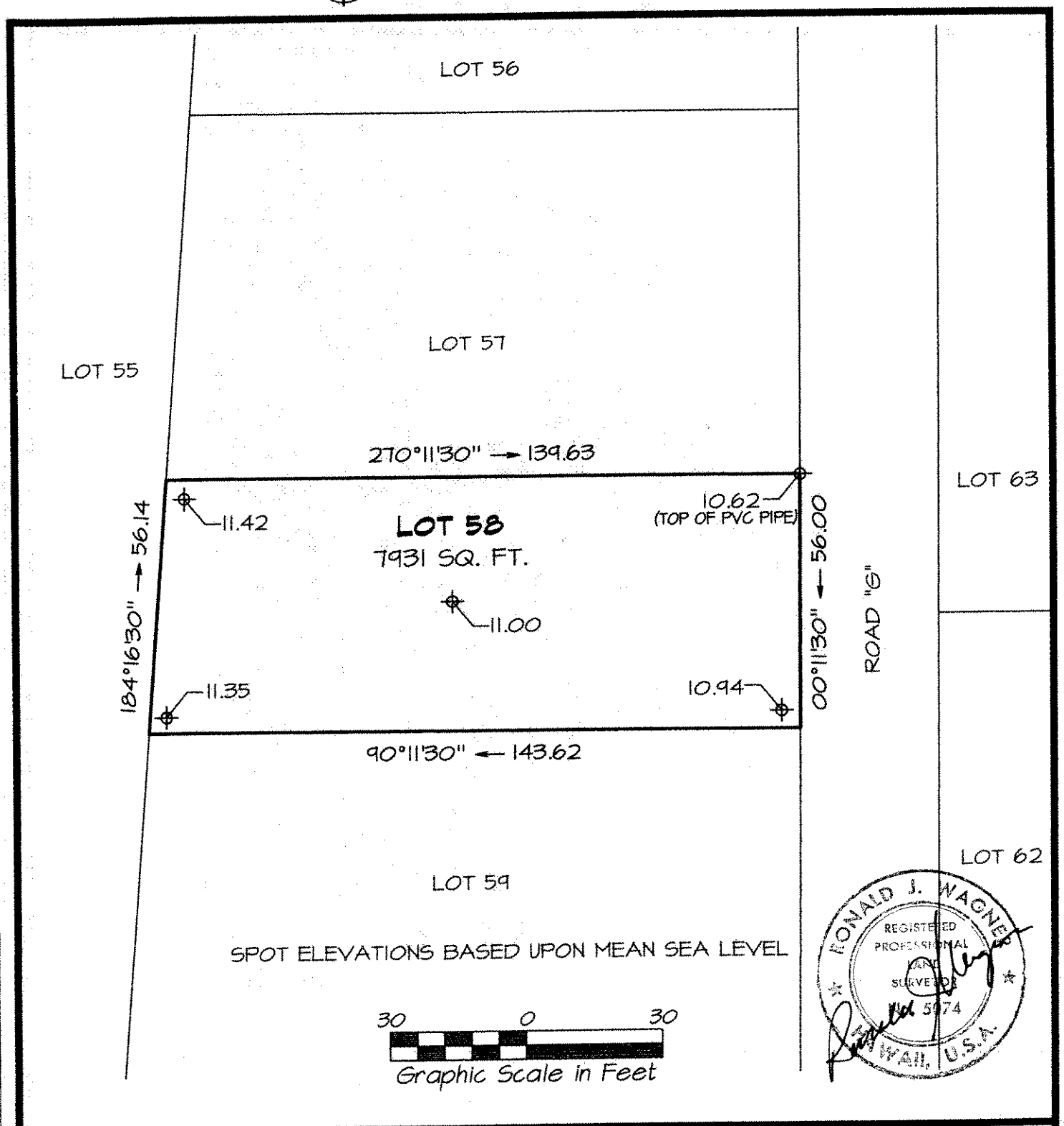
T.M.K. (4) 5-9-02:58

SHEET

7

EXHIBIT 7

Wagner Engineering Services, Inc.
P.O. Box 851 Hanalei, HI 96714 (808) 826-7256



OCHWAT RESIDENCE

ELEVATION CERTIFICATE

HAENA, KAUAI, HAWAII

T.M.K. (4) 5-9-02:58

SHEET

8

EXHIBIT 8

CERTIFICATION OF ELEVATION

This is to certify that I, Ronald J. Wagner, a registered surveyor in the State of Hawaii with license number 5074 have conducted on the ground field surveys for the single family dwelling at tax map key parcel 5-9-02:58. The existing ground elevation shown are based on mean sea level. The existing ground elevations vary from 10.62 feet to 11.42 feet above mean sea level.

RONALD J. WAGNER
LICENSED PROFESSIONAL LAND SURVEYOR
No. 5074
HAWAII, U.S.A.

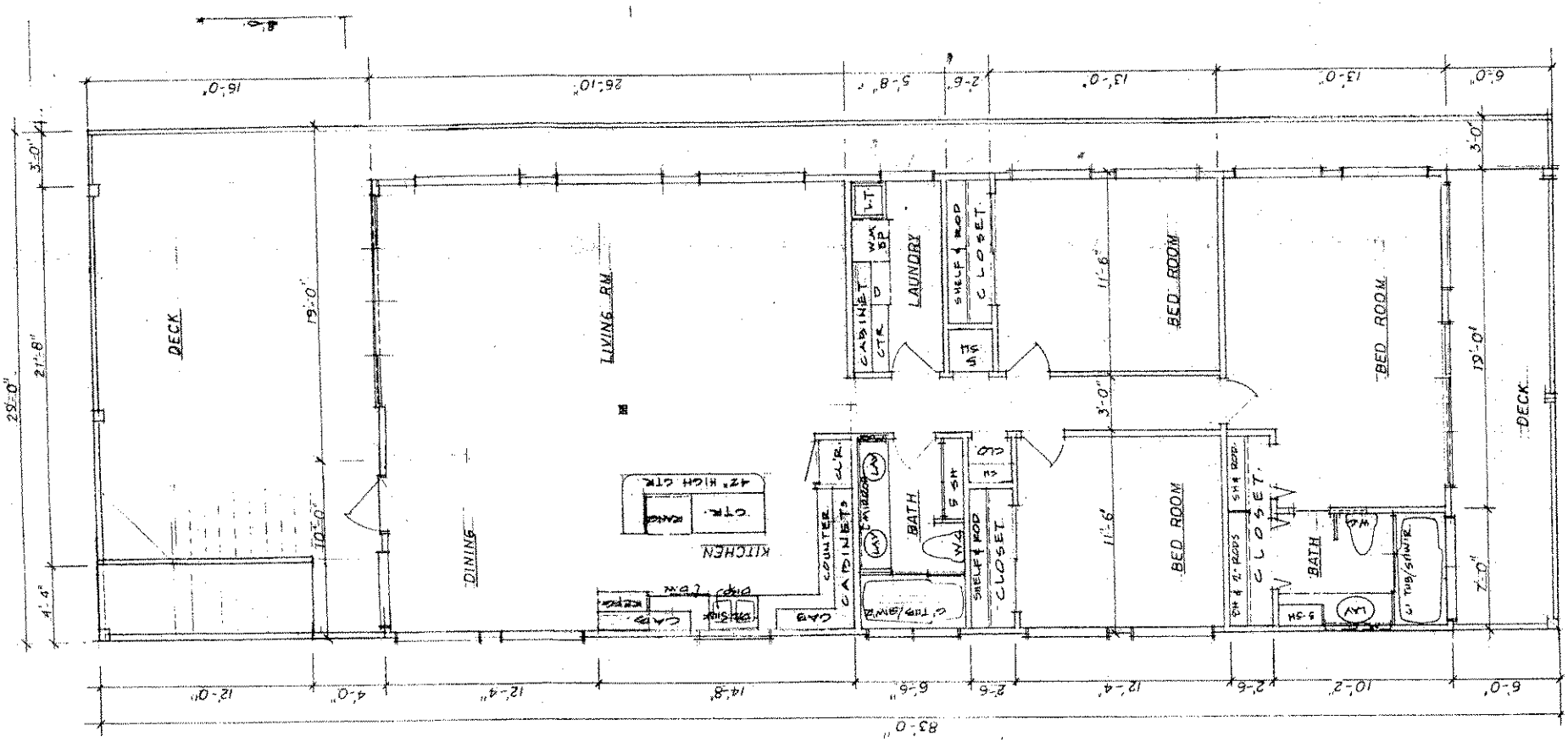
Signature

Date: 2/20/06

Note: The property is located within Flood zone designated VE 23 per FIRM panel 1500020030 D dated October 18, 2002. New structure must be elevated such that the underside of its lowest framing member is at or above elevation 23.

Project No. 3577

EXHIBIT 8 (PART II)



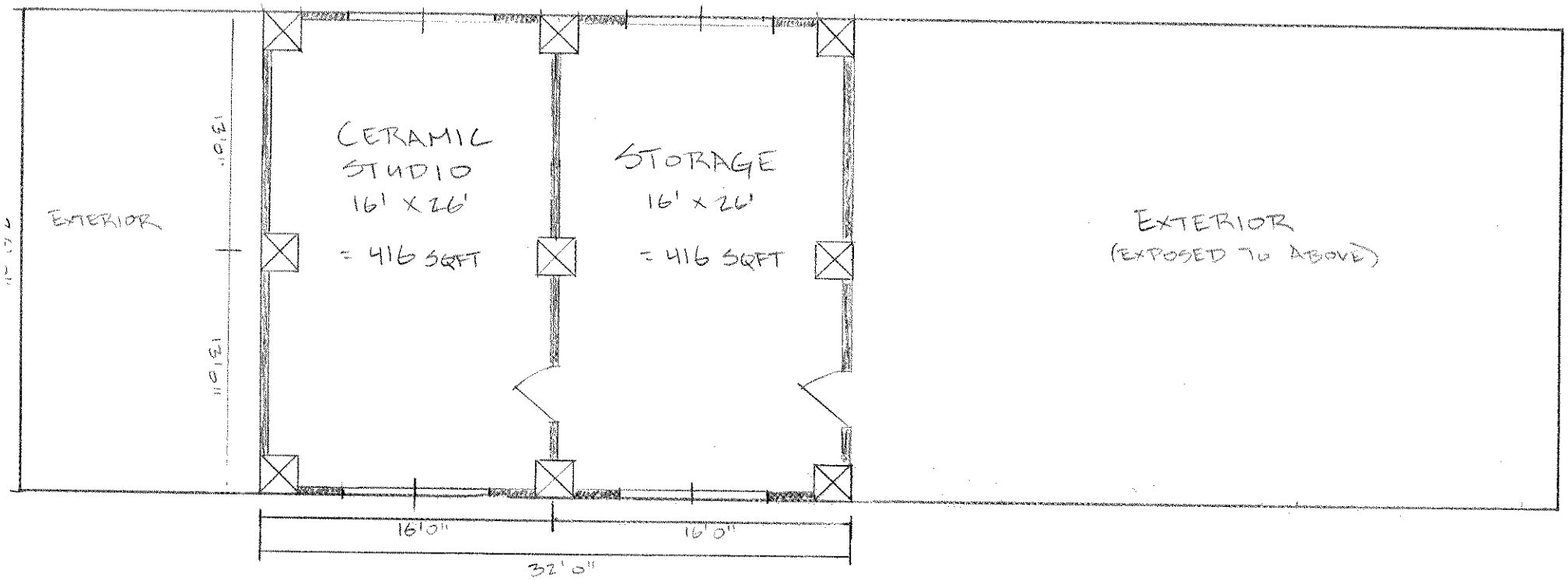
OCHWAT RESIDENCE

FLOOR PLAN

HAENA, KAUAI, HAWAII

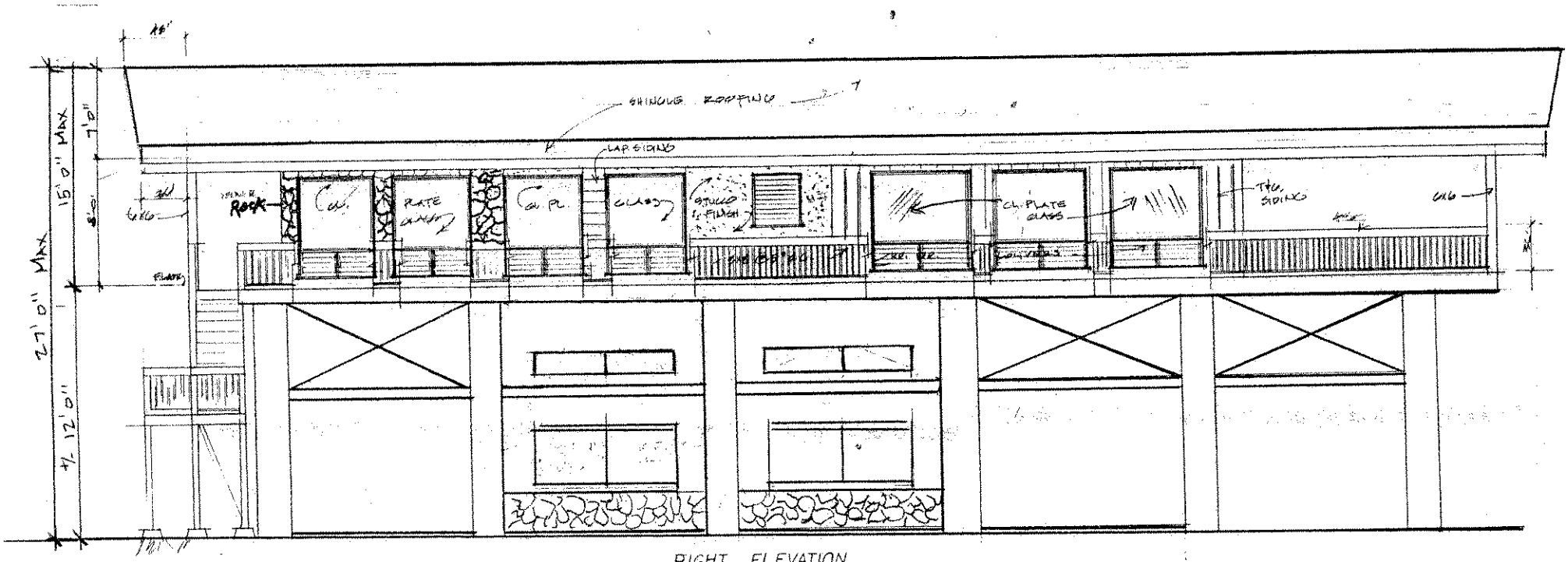
T.M.K. (4) 5-9-02:058

EXHIBIT 9



OCHWAT RESIDENCE
LOWER LEVEL FLOOR PLAN
HAENA, KAUAI, HAWAII
T.M.K. (4) 5-9-02:058

EXHIBIT 9-B



RIGHT ELEVATION

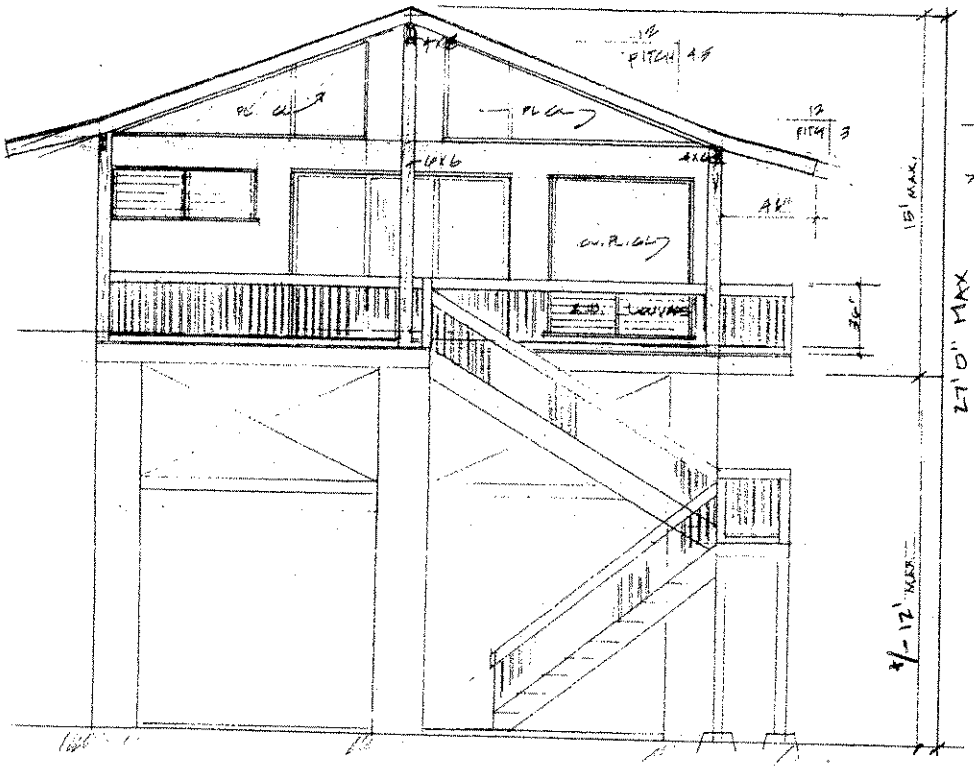
OCHWAT RESIDENCE

RIGHT (Nth) ELEVATION

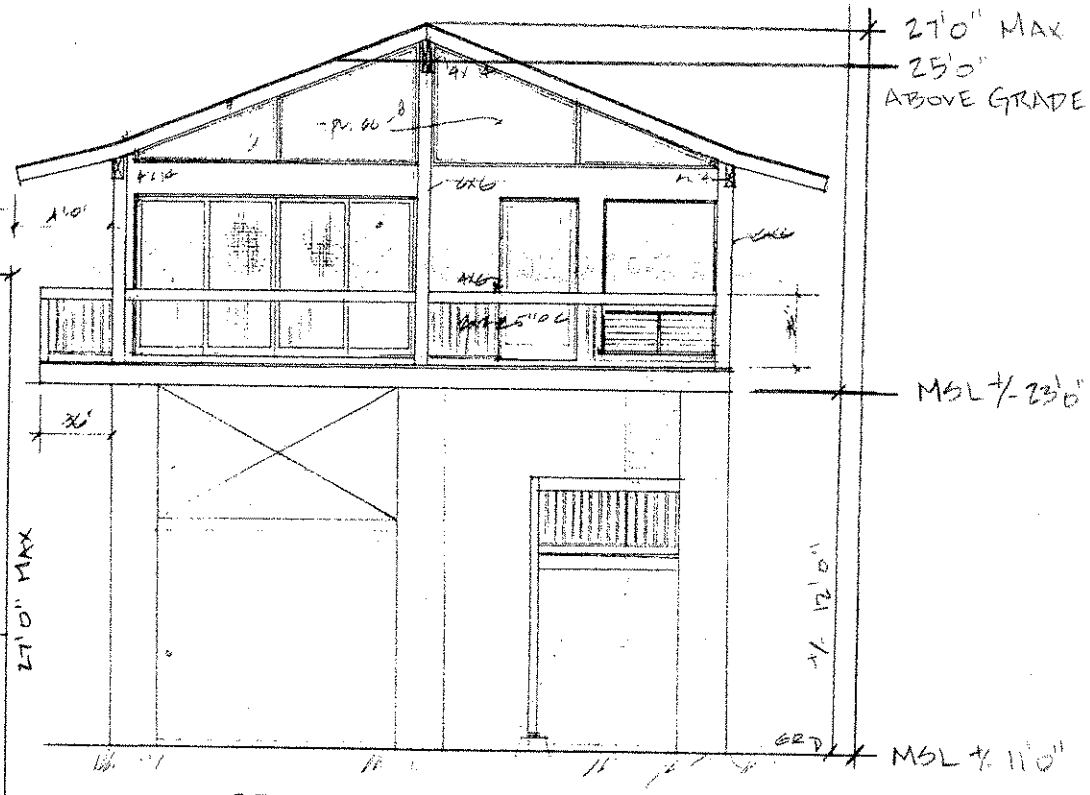
HAENA, KAUAI, HAWAII

T.M.K. (4) 5-9-02:058

EXHIBIT 10



FRONT ELEVATION

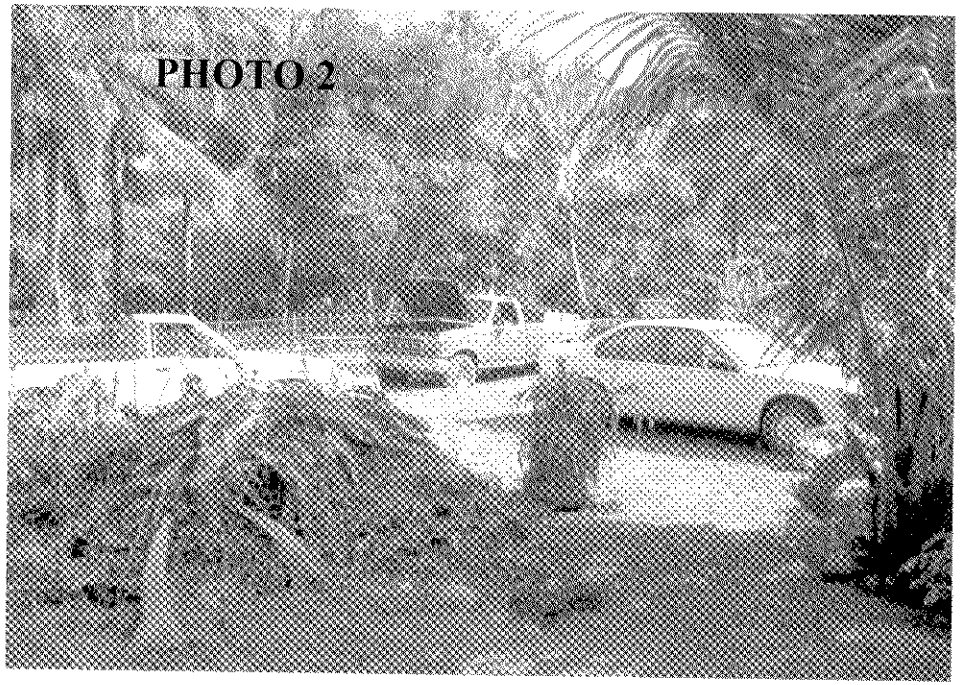


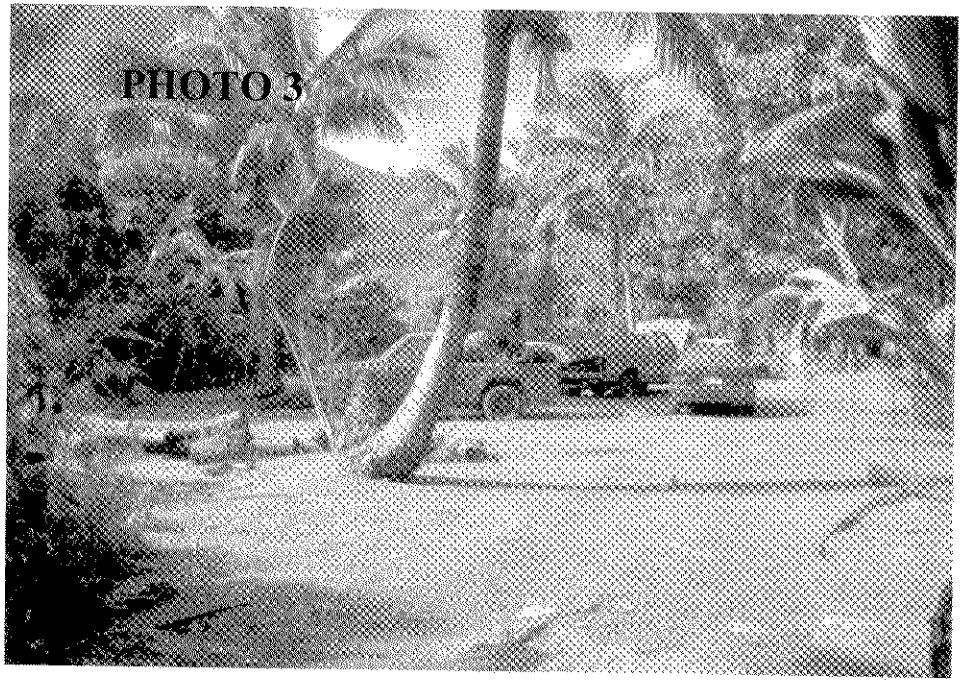
REAR ELEVATION

OCHWAT RESIDENCE
FRONT + REAR ELEVATIONS
HAENA, KAUAI, HAWAII
T.M.K. (4) 5-9-02: 058

* REDUCED - NOT TO SCALE

EXHIBIT 11





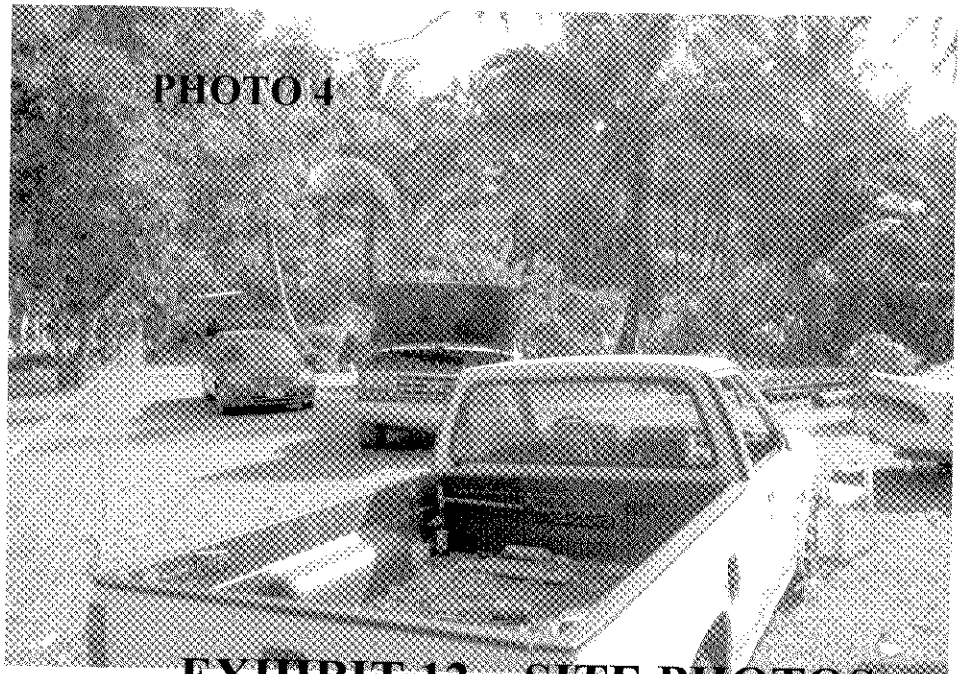


EXHIBIT 12 – SITE PHOTOS

BRYAN J. BAPTISTE
MAYOR

GARY K. HEU
ADMINISTRATIVE ASSISTANT

IAN K. COSTA
DIRECTOR OF PLANNING

GARY L. HENNIGH
DEPUTY DIRECTOR OF PLANNING

COUNTY OF KAUA'I
PLANNING DEPARTMENT
Kapule Building
4444 Rice Street, Suite A473
Līhu'e, Hawai'i, 96766-1326

TELEPHONE: 808.241.6677
FAX: 808.241.6699

April 12, 2004

Ben Welborn
Landmark Consulting Services, Inc.
P.O. Box 915
Hanalei, Kauai HI 96714

SUBJECT: TMK: 5-9-02: 58 at Haena, Kauai

The subject property is within the Conservation District and within the County of Kauai's Special Management Area (SMA). Please note that the construction of a single-family dwelling is exempt from the County's SMA regulations.

Should you have any questions, please contact Keith Nitta of my staff at 241-6677.

GARY HENNIGH
Deputy Planning Director

EXHIBIT 13

OCHWAT RESIDENCE
SMA EXEMPTION
HAENA, KAUAI, HAWAII
T.M.K. (4) 5-9-02: 058

LANDMARK
CONSULTING

Memorandum

Date: February 6, 2006

To: Princeville Public Library

From: Ben Welborn

Subject: Ochwat Draft Environmental Assessment & Conservation District Use Application Deposit on Reserve with Princeville Public Library

---

This memo is to verify that on 2/7/, 2006 a copy of the Ochwat Conservation District Use Application (CDUA) and Draft Environmental Assessment (DEA) was deposited with the staff of the Princeville Public Library.

Signature of Library Representative

Jennifer Pelaez

Print Name

EXHIBIT 14

Landmark Consulting Services Inc., P.O. Box 915, Hanalei HI. 96714, phone: 808.828.6332, fax: 808 828 6242 email: welborn@aloha.net

Ochwat Single-Family Residence, Ha'ena (HRS 343 DEA)

District: Hanalei
TMK: (4) 5-9-02:058
Applicant: Noel & Suzi Ochwat
865 Balboa Ave., Laguna Beach, CA 92651
Contact: Ben Welborn (639-7978)
Approving Agency: DLNR, Office of Coastal & Conservation Lands
PO Box 621, Honolulu, HI 96813
Contact: Samuel Lemmo (587-0381)
Consultant: Landmark Consulting Services
PO Box 915, Hanalei, HI 96814
Contact: Ben Welborn (639-7978)
Public Comment Deadline: February 7, 2006
Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the applicant with copies to the approving agency, consultant and OEQC.
Permits Required: CDUP, SMA Exemption (Included), Building Permit, Individual Wastewater System (IWS) Permit

The proposed action is for the construction of a 2,935 square foot single-family residence in an established neighborhood located in Haena on Kaua'i's North Shore. The proposed residence will be a plantation style design elevated on piers to conform to applicable County regulations regarding the National Flood Insurance Program for coastal high hazard areas. The applicant in this action is requesting that the Board of Land and Natural Resources grant approval for a 2 foot height variance for the proposed residence due to the flood zoning characteristics of the parcel. Therefore, if approved as proposed, the highest point of the roof structure would be approximately 27 feet above zoning ordinance and is typical of existing residential development throughout the greater Haena/Wainiha community. A copy of the Draft Environmental Assessment will be available for public review at the Princeville Public Library, the findings of which indicate that as a result of the proposed actions there will be no significant negative environmental impacts primary, secondary or cumulative. A Finding of No Significant Impact (FONSI) is anticipated.

Project Site

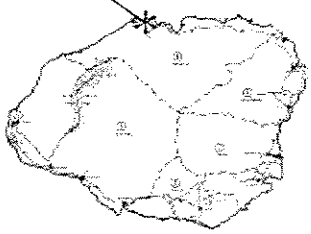


EXHIBIT 15

APPENDICES

Ochwat Single Family Residence
Final Environmental Assessment

TMK (4) 5-9-02: 058
Ha`ena, Kaua`i, Hawai`i

APPENDIX 1

DOCUMENTATION OF PRE-ASSESSMENT CONSULTATION

Ochwat Single Family Residence
Final Environmental Assessment

TMK (4) 5-9-02: 058
Ha`ena, Kaua`i, Hawai`i

LANDMARK
CONSULTING

February 1, 2004

SAMPLE
(ADDRESS)

Re: TMK (4) 5-9-02: 058, Haena, Kauai Hawaii
Proposed Ochwat Single Family Residence CDUA & Draft Environmental Assessment
Pre-Assessment Consultation from Impacted Entities

Dear _____,

In compliance with the State of Hawaii's Environmental Impact Statement Law (HRS 343), we are notifying you of the proposed development of a +/- 3,000 square foot single family residence on Tax Map Key (4) 5-9-02: 058. The subject property is located on Road "G" about 1/2 mile from Haena Beach Park on the North Shore of Kauai.

The identified parcel is owned by Mr. & Mrs. Noel Ochwat. The parcel is located within a Limited Subzone of the Conservation District. The proposed residential development triggers the Conservation District Use Application (CDUA) process, a component of which is the preparation of an Environmental Assessment (EA), which is used to evaluate the potential environmental impacts of the project and to prescribe mitigative actions where necessary.

The applicants - - Mr. and Mrs. Ochwat have contracted with Landmark Consulting Services to carry out the environmental review process on their behalf. It is the responsibility of the project applicant, to solicit comments from agencies, community groups, concerned citizens, and other parties within the impacted community prior to the preparation of a Draft EA. Therefore, if you would like to comment upon the proposed action, please submit your remarks by no latter than March 15th, 2004. Please reference the "**Ochwat Single Family Residence CDUA**" and send written comments to:

Landmark Consulting Services
P.O. Box 915
Hanalei, HI 96714

We will exercise due diligence in responding to your concerns. The State's Department of Land and Natural Resources (DLNR) has administrative oversight in the CDUA process. It is anticipated that a Draft EA and CDUA will be submitted to the DLNR for filing by no later than June of 2004. A Draft EA notice will then be posted in the OEQC Bulletin and copies of the DEA and CDUA will be placed on reserve with the Princeville Public Library where they will be available for public review and comment.

If you have any questions, please do not hesitate to contact our offices via email or telephone.

Mahalo,

Ben Welborn

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF STATE PARKS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 23, 2004

Mr. Ben Welborn
Landmark Consulting Services
P.O. Box 915
Hanalei, Hawai'i 96714

Dear Mr. Welborn:

SUBJECT: Ochwat Single Family Residence CDUA

Thank you for the opportunity to comment on the proposed residential development at Hā'ena, Kaua'i. The project site (TMK: 5-9-02: 58) is about 2.5 mile from Hā'ena State Park and the Kalalau Trailhead of Nā Pali Coast State Park. Both of these state parks are located at the end of Kūhiō Highway. Therefore, we do not anticipate that the single family residential project will have any impacts on either of these state parks.

Very truly yours,

DANIEL S. QUINN
State Parks Administrator

cc: Wayne Souza, Kaua'i District Park Superintendent
Land Division, Planning Branch

LINDA LINGLE
GOVERNOR OF HAWAII

GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186
E-mail: oeqc@health.state.hi.us

March 3, 2004

Mr. Ben Welborn
Landmark Consulting Services
P.O. Box 915
Hanalei, HI 96714

Subject: Pre-Consultant for Ochwat Single Family Residence CDUA And Draft Environmental Assessment

Dear Mr. Welborn,

We have reviewed the information provided for the proposed Ochwat single family residence in Haena, Kauai. We have the following suggestions:

1. Applicant should consider sustainable building design
2. Address visual impacts of the project
3. There are no county sewer connection in the area, a septic tank permit should be addressed
4. Consult with neighbors and shoreline users

We have no other comments to offer at this time, but will reserve further comments when the documents are submitted.

Should you have any questions, please call our office at 586-4185.

Sincerely,

Genevieve Salmonson

Genevieve Salmonson
Director

LANDMARK
CONSULTING

May 11, 2004

Genevieve Salmonson, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, HI 96813

Re: Proposed Ochwat Single Family Residence CDUA and Draft EA
TMK (4) 5-9-02: 058
Haena, Hanalei, Kauai

Aloha Ms. Salmonson,

Thank you for your letter dated March 3, 2004 with comments on the proposed construction of the Ochwat Residence which is to be located within an area of the Conservation District. In response to your comments we offer the following:

1. The applicant will consider sustainable building products and design. A recycling area will be designated for the recycling of aluminum, glass, cardboard and junk mail, as well as any other recyclable materials that are processed on Kauai. Green waste will be composted on site.
2. The visual impacts of the project will be mitigated through the use of medium to dark earth tone colors on all exterior surfaces. Cement columns will be finished with a faux lava rock stucco. Landscaping will be used to visually screen the structure.
3. An Individual Wastewater System (IWS), a.k.a. septic system will be installed for wastewater treatment. Prior to obtaining a building permit, a licensed engineer shall design a septic system to service the dwelling and an IWS permit shall be obtained from the State Department of Health, Wastewater Branch in accordance with all regulatory requirements.
4. Neighbors, community groups, and various agencies have been consulted prior to the preparation of a Draft EA for the project. All impacted parties will have further opportunities to comment on the project through the Environmental Review process.

Please be advised that your comment letter will all be included in the submittal of a Conservation District Use Application (CDUA) and Draft Environmental Assessment (DEA) for the proposed actions. As such, it will be made a part of the public record for the project parcel.

Mahalo for your preliminary review of the project and for your suggestions.

Sincerely,

Ben Welborn
Project Consultant

c: Dierdre Mamiya, Administrator Land Division, DLNR

Landmark Consulting Services Inc., P.O. Box 915, Hanalei HI. 96714. phone: 808 828 6332 fax: 808 828 6242 email: welborn@aloha.net

LINDA LINGLE
GOVERNOR OF HAWAII

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
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

February 12, 2004

Mr. Ben Welborn
Landmark Consulting Services, Inc.
P.O. Box 915
Hanalei, Kaua'i, Hawaii 96714

LOG NO: 2004.0426
DOC NO: 0402NM17

Dear Mr. Welborn:

SUBJECT: Chapter 6E-42 Historic Preservation Review – A Pre-Assessment Consultation on the Proposed Ochwat Single Family Residence Conservation District Use Permit Application [State/Land]
Haena, Hanalei, Kauai
TMK: (4)- 5-9-02: 058

Thank you for the opportunity to comment on this due diligence for a single family residence in Haena, which we received on February 2, 2004. No archaeological inventory surveys have been carried out on this parcel. The property is underlain by a sandy substrate so we expect to find historic sites in the area such as cultural layers or human burials; human burials have been found on nearby parcels. We will not know this unless a systematic archaeological inventory survey is conducted. The survey should include subsurface testing in the Area of Potential Effect (APE), as defined by the construction or development plans for the parcel; thus, the APE would include the house footprint and septic system area, and any other areas that need to be excavated. Given the above, we will recommend that the following conditions be attached to any approved permit, to ensure that significant historic sites and human remains have been properly identified and treated:

1) An archaeological inventory survey shall be conducted by a qualified archaeologist prior to any construction or drilling activities. A report documenting the archaeological work shall be submitted to the State Historic Preservation Division for review and approval. The report shall include: A) Detail drawings of burials and deposits to scale. B) All artifacts shall be sketched and photographed. C) Analyses of all perishable and datable remains shall be conducted. D) Stratigraphic profiles shall be drawn and made to scale. E) All locations of historic sites shall be on an overall map of the project area. F) Initial significance evaluations shall be included for each historic site found. and G) Documentation on the nature and age of the historic sites shall be done. If significant historic sites are found then proposed mitigation or preservation plans can be submitted for review and approval.

2) A burial treatment plan shall be prepared and approved for burial discoveries encountered during the project. In addition to consultation with the appropriate ethnic groups, the procedures outlined in Chapter 6E-43 shall be followed. If Native Hawaiian burials are found, it is necessary for the treatment plan to be prepared after consultation with native Hawaiians, such as the Kaua'i Island Burial Council, the Office of Hawaiian Affairs, and any recognized descendants.

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

Aloha,

P. Holly McEldowney

P. Holly McEldowney, Administrator
State Historic Preservation Division

NM:jen

c: Ian Costa, Director, Dept of Planning, County of Kaua`i
Chair, Kaua`i/Ni`ihau Islands Burial Council
Kana`i Kapeliela, Burial Sites Program
Sam Lemmo, Administrator, Office of Conservation and Coastal Lands, DLNR

LANDMARK CONSULTING

May 11, 2004

Holly McEldowney, Administrator
DLNR, State Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, HI 96707

Re: Chapter 6E-42 Historic Preservation Review
Proposed Ochwat Residence
Haena, Hanalei, Kauai
TMK (4) 5-9-02: 058

Aloha Ms. McEldowney,

Thank you for your letter dated February 12, 2004 with comments on the archaeological requirements for the proposed Ochwat Residence which is to be located in Haena within the Conservation District.

Subsequent to the receipt of your letter, Rechtman Consulting completed an Archaeological Inventory Level Survey of the subject parcel, which was then reviewed and approved by your office. The Inventory Survey Report indicates there were no findings of archeological significance and no burial discoveries during site investigations. Therefore, Rechtman Consulting made the recommendation that no further archeological work would be necessary and your department concurred with the recommendation.

In the event that human burials are inadvertently discovered during construction activities, the owner/applicant understands that all work must immediately stop within the vicinity of the burials, and the SHPD as well as the police shall be promptly contacted to determine the jurisdiction and proper mitigation protocol for the burials. Under such circumstances the preparation of a burial treatment plan shall be required in consultation with the Kauai/Niihau Islands Burial Council, long-time Ha`ena residents and the SHPD.

Please be advised that your comment letter(s), the Archaeological Inventory Level Survey Report, and your subsequent determination letter will all be included in the submittal of a Conservation District Use Application (CDUA) and Draft Environmental Assessment (DEA) for the proposed actions. As such all documentation will be made a part of the public record for the project parcel.

Mahalo to you and your staff for your time and attention this matter.

Sincerely,

Ben Welborn
Project Consultant

c: Chair, Kauai/Niihau Islands Burial Council
Kana`i Kapeliela, Burial Sites Program
Dierdre Mamiya, Administrator Land Division, DLNR

Landmark Consulting Services Inc., P.O. Box 915, Hanalei HI 96714 phone 808 828 6332 fax 808 828 6782 email welborn@aloha.net

PHONE (808) 594-1888

FAX (808) 594-1865

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

HRD04/1288

February 26, 2004

Ben Welborn
Landmark Consulting
P.O. Box 915
Hanalei, HI 96714

RE: Proposed Ochwat Single Family Residence, Haena, Kauai, TMK (4) 5-9-02:058

Dear Mr. Welborn:

OHA is in receipt of your request for comments on the above referenced project. OHA is aware that human remains have been found on several of the lots in Haena and we request that you do a burial treatment plan for both known and inadvertent burials. The treatment plan must be approved by the Kauai Island Burial Council. As part of the treatment plan, you should contact long-time Haena residents who may help you identify known burials or archaeological sites.

If this lot is near the Haena Settlement, we also request that you do an archaeological inventory survey.

La France Kapaka-Arboleda, of our Kauai office may be able to assist you. She can be contacted at 241-3390 or by mail at 3-3100 Kuhio Hwy, Ste C4, Lihue, Hi 96766-1153.

Thank you for this opportunity to comment. We look forward to review of the CDUA and Draft Environmental Assessment. If you have further questions please contact Pua Aiu at 594-1931 or e-mail her at paiu@oha.org.

Sincerely,

Clyde W. Namu'o
Administrator

LANDMARK
CONSULTING

May 11, 2004

Clyde W. Namu`o, Administrator
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, HI 96813

Re: Proposed Ochwat Single Family Residence CDUA and Draft EA
TMK (4) 5-9-02: 058
Ha`ena, Hanalei, Kaua`i

Dear Mr. Namu`o,

Thank you for your letter dated February 26, 2004 with comments on the proposed construction of the Ochwat Residence which is to be located within an area of the Conservation District in Ha`ena, District of Hanalei, Kaua`i.

Subsequent to the receipt of your letter Rechtman Consulting conducted an Archaeological Inventory Level Survey on the subject parcel. A complete surface survey was made of the property and three backhoe trenches were dug. No historic material, cultural material or historic sites were found. No human burials were discovered.

Rechtman Consulting submitted the findings of the survey in a report to the State Historic Preservation Division (SHPD) and recommended that no further archaeological work would be necessary. SHPD concurred with this recommendation (see attached determination letter from SHPD dated May 4, 2004).

In the event that human burials are inadvertently discovered during construction activities, the owner/applicant understands that all work must immediately stop within the vicinity of the burials, and the SHPD as well as the police shall be promptly contacted to determine the jurisdiction and proper mitigation protocol for the burials. Under such circumstances the preparation of a burial treatment plan shall be required in consultation with the Kauai/Niihau Islands Burial Council, long-time Ha`ena residents and the SHPD.

Mahalo to you and your staff for your time and attention this matter. I will forward my response and all other relevant documentation to La France Kapaka-Arboleda with your Kaua`i office.

Sincerely,

Ben Welborn
Project Consultant

c: La France Kapaka Arboleda
Holly McEldowney, State Historic Preservation Division, DLNR
Dierdre Mamiya, Administrator Land Division, DLNR

Landmark Consulting Services Inc., P.O. Box 915 Hanalei HI 96714 phone: 808 828 6337 fax: 808 828 6242 email: welborn@aloha.net

LINDA LINGLE
GOVERNOR OF HAWAII

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
EPO-04-018

March 12, 2004

Mr. Ben Welborn
Landmark Consulting Services Inc.
P.O. Box 915
Hanalei, Hawaii 96714

Dear Mr. Welborn:

SUBJECT: Proposed Ochwat Single Family Residence CDUA & Draft Environmental Assessment. Pre-Assessment Consultation from Impacted Entities.
Haena, Kauai Hawaii
TMK: (4) 5-9-02: 058

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

Clean Water Branch Standard Comments

1. The Army Corps of Engineers should be contacted at (808) 438-9258 to identify whether a Federal license or permit (including a Department of Army permit) is required for this project. Pursuant to Section 401(a)(1) of the Federal Water Pollution Act (commonly known as the "Clean Water Act"), a Section 401 Water Quality Certification is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters...."

2. A National Pollutant Discharge Elimination System (NPDES) general permit coverage is required for the following activities:

   a. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi).

   b. Construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. **An NPDES permit is required before the commencement of the construction activities.**

c. Discharges of treated effluent from leaking underground storage tank remedial activities.

d. Discharges of once through cooling water less than one (1) million gallons per day.

e. Discharges of hydrotesting water.

f. Discharges of construction dewatering effluent.

g. Discharges of treated effluent from petroleum bulk stations and terminals.

h. Discharges of treated effluent from well drilling activities.

i. Discharges of treated effluent from recycled water distribution systems.

j. Discharges of storm water from a small municipal separate storm sewer system.

k. Discharges of circulation water from decorative ponds or tanks.

The CWB requires that a Notice of Intent (NOI) to be covered by a NPDES general permit for any of the above activities be submitted at least 30 days before the commencement of the respective activities. The NOI forms may be picked up at our office or downloaded from our website at http://www.state.hi.us/health/eh/cwb/forms/genl-index.html.

3. The applicant may be required to apply for an individual NPDES permit if there is any type of activity in which wastewater is discharged from the project into State waters and/or coverage of the discharge(s) under the NPDES general permit(s) is not permissible (i.e. NPDES general permits do not cover discharges into Class 1 or Class AA receiving waters). An application for the NPDES permit is to be submitted at least 180 days before the commencement of the respective activities. The NPDES application forms may also be picked up at our office or downloaded from our website at http://www.state.hi.us/health/eh/cwb/forms/indiv-index.html.

4. Hawaii Administrative Rules, Section 11-55-38, also requires the owner to either submit a copy of the new NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or application has been or is being reviewed by SHPD. Please submit a copy of the request for review by SHPD or SHPD's determination letter for the project.

If you have any questions, please contact the CWB at 586-4309.

Solid and Hazardous Waste Branch

1)
The OSWM recommends the development of a solid waste management plan that encompasses all project phases including demolition, construction, and occupation/operation of the completed project.

Specific examples of elements that the plan should address include:

- The recycling of green-waste during clear and grub activities;
- Recycling construction and demolition wastes, if appropriate;
- The use of locally produced compost in landscaping;
- The use of recycled content building materials;
- The provision of recycling facilities in the design of the project.

- -

2)
The developer shall ensure that all solid waste generated during project construction is directed to a Department of Health permitted solid waste disposal or recycling facility.

- -

3)
The developer should consider providing space in the development for recycling activities. The provision of space for recycling bins for paper, glass, and food/wet waste would help to encourage the recycling of solid waste(s) generated by building occupants.

- -

4)
The discussion of solid waste issues contained in the document is restricted to activities within the completed project. The OSWM recommends the development of a solid waste management plan that encompasses all project phases, from construction (and or demolition) to occupation of the project.

Specific examples of plan elements include: the recycling of green-waste during clear and grub activities; maximizing the recycling of construction and demolition wastes; the use of locally produced compost in the landscaping of the project; and the provision of recycling facilities in the design of the project.

- -

5)
Hawaii Revised Statutes Chapter 103D-407 stipulates that all highway and road construction and improvement projects funded by the State or a county or roadways that are to be accepted by the State or a county as public roads shall utilize a minimum of ten per cent crushed glass aggregate as specified by the department of transportation in all base-course (treated or untreated) and sub-base when the glass is available to the quarry or contractor at a price no greater than that of the equivalent aggregate.

If you have any questions, please contact the Solid and Hazardous Waste Branch at (808) 586-4240.

Wastewater Branch

Project specific comment: We have reviewed the subject document which requests pre-assessment consultation from the Department for the construction of a new dwelling in the Haena area of Kauai.

Project specific comment: We have the following comments to offer. The proposed project is located in the Critical Wastewater Disposal Area (CWDA) where no new cesspools will be allowed. After consultation with our Kauai District Health Office personnel, we were unable to determine if there are any wastewater systems on the property. Therefore, as the subject property is not within the vicinity the County sewer system, and there is no record of a wastewater treatment and disposal system on the property, our only comment is that the draft environmental assessment being prepared for the project must address wastewater treatment and disposal from the proposed Ochwat single family dwelling and all other improvements.

Standard comment: All wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems." We do reserve the right to review the detailed wastewater plans for conformance to applicable rules. Should you have any questions, please contact the Planning & Design Section of the Wastewater Branch at 586-4294.

Environmental Planning Office

The Environmental Planning Office (EPO) is responsible for several surface water quality management programs mandated by the federal Clean Water Act or dictated by State policy . (http://www.state.hi.us/doh/eh/epo/wqm/wqm.htm). Among these responsibilities, EPO:

- maintains the *List of Impaired Waters in Hawaii Prepared under Clean Water Act §303(d)* (http://www.state.hi.us/doh/eh/epo/wqm/303dpcfinal.pdf);
- develops and establishes Total Maximum Daily Loads (TMDLs) for listed waters (suggesting how much existing pollutant loads should be reduced in order to attain water quality standards, please see http://www.epa.gov/owow/tmdl/intro.html);
- writes TMDL Implementation Plans describing how suggested pollutant load reductions can be achieved; and
- conducts assessments of stream habitat quality and biological integrity.

To facilitate TMDL development and implementation, and to assist with our assessment of the potential impact of proposed actions upon water quality, pollutant loading, and biological resources in receiving waters, we suggest that environmental review documents, permit applications, and related submittals include the following standard information and analyses:

Waterbody type and class

1. Identify the waterbody type and class, as defined in Hawaii Administrative Rules Chapter 11-54 (http://www.state.hi.us/doh/rules/11-54.pdf), of all potentially affected water bodies[1].

Existing water quality management actions

2. Identify any existing National Pollutant Discharge Elimination System (NPDES) permits and related connection permits (issued by permittees) that will govern the management of water that runs off or is discharged from the proposed project site or facility. Please include NPDES and other permit numbers; names of permittees, permitted facilities, and receiving waters (including waterbody type and class as in 1. above); diagrams showing drainage/discharge pathways and outfall locations; and note any permit conditions that may specifically apply to the proposed project.

3. Identify any planning documents, groups, and projects that include specific prescriptions for water quality management at the proposed project site and in the potentially affected waterbodies. Please note those prescriptions that may specifically apply to the proposed project.

Pending water quality management actions

4. Identify all potentially affected water bodies that appear on the current *List of Impaired Waters in Hawaii Prepared under Clean Water Act §303(d)* including the listed waterbody, geographic scope of listing, and pollutant(s) (See Table 7 at http://www.state.hi.us/doh/eh/epo/wqm/303dpcfinal.pdf).

5. If the proposed project involves potentially affected water bodies that appear on the current *List of Impaired Waters in Hawaii Prepared under Clean Water Act §303(d)*, identify and quantify expected changes in the following site and watershed conditions and characteristics:
   - surface permeability
   - hydrologic response of surface (timing, magnitude, and pathways)
   - receiving water hydrology
   - runoff and discharge constituents
   - pollutant concentrations and loads in receiving waters
   - aquatic habitat quality and the integrity of aquatic biota

Where TMDLs are already established they include pollutant load allocations for the surrounding lands and point source discharges. In these cases, we suggest that the submittal specify how the proposed project would contribute to achieving the applicable load reductions.

Where TMDLs are yet to be established and implemented, a first step in achieving TMDL objectives is to prevent any project-related increases in pollutant loads. This is generally accomplished through the proper application of suitable best management practices in all phases of the project and adherence to any applicable ordinances, standards, and permit conditions. In these cases we suggest that the submittal specify how the proposed project would contribute to reducing the polluted discharge and runoff

entering the receiving waters, including plans for additional pollutant load reduction practices in future management of the surrounding lands and drainage/discharge systems.

Proposed Action and Alternatives Considered

We suggest that each submittal identify and analyze potential project impacts at a watershed scale by considering the potential contribution of the proposed project to cumulative, multi-project watershed effects on hydrology, water quality, and aquatic and riparian ecosystems.

We also suggest that each submittal broadly evaluate project alternatives by identifying more than one engineering solution for proposed projects. In particular, we suggest the consideration of "alternative," "soft," and "green" engineering solutions for channel modifications that would provide a more environmentally friendly and aesthetically pleasing channel environment and minimize the destruction of natural landscapes.

If you have any questions about these comments or EPO programs, please contact Ryan Davenport at 586-4346.

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[1]"Potentially affected waterbodies" means those in which proposed project activity would take place and any others that could receive water discharged by the proposed project activity or water flowing down from the proposed project site. These waterbodies can be presented as a chain of receiving waters whose top link is at the project site upslope and whose bottom link is in Pacific Ocean "oceanic waters," with all receiving waters named according to conventions established by Chapter 11-54 and the *List of Impaired Waters in Hawaii Prepared under Clean Water Act §303(d)*. For example, a recent project proposed for Nuhelewai Stream, Oahu (a tributary of Kapalama Canal) might potentially affect Nuhelewai Stream, Kapalama Canal, Honolulu Harbor and Shore Areas, and the Pacific Ocean.

Sincerely,

June F. Harrigan-Lum

JUNE F. HARRIGAN-LUM, MANAGER
Environmental Planning Office

c. CWB
SHWB
EPO
WWB

LANDMARK
CONSULTING

May 11, 2004

June F. Harrigan-Lum, Manager
Department of Health, State of Hawaii
P.O. Box 3378
Honolulu, HI 96801-3378

Re: Proposed Ochwat Single Family Residence CDUA and Draft EA
TMK (4) 5-9-02: 058
Haena, Hanalei, Kauai

Dear Ms. Harrigan-Lum,

Thank you for your letter dated March 12, 2004 with comments on the proposed construction of the Ochwat Residence which is to be located within an area of the Conservation District in Haena, District of Hanalei, Kauai.

In response to your comments, we offer the following:

Clean Water Branch

1. As per your recommendation, we have sent written correspondence along with a copy of the Draft Environmental Assessment to the Army Corps of Engineers for their input. We anticipate that we shall be exempt from any permitting requirements from the Army Corps and we shall be able to document exemption for inclusion with the Final Environmental Assessment.
2. Regarding the requirement for a National Pollutant Discharge Elimination System (NPDES) general permit, the proposed actions do not trigger any of the criteria for a general permit. Specifically:
   (a) Construction activities, including clearing, grading, and excavation do not result in the disturbance of equal to or greater than one (1) acre of total land area. The subject parcel is approximately 7,931 square feet in size (equivalent to approximately 0.18 acre) and the proposed action is for the construction of a residence of approximately 2,935 square feet. Ground disturbance outside of the immediate footprint of the proposed residence will be minimal and shall be limited primarily to excavation for an Individual Wastewater System.
   (b) As a component of the proposed action, we do not intend nor do we anticipate the need to undertake any hydrotesting or any discharge associated therewith.
   (c) No discharge of construction dewatering effluent is anticipated.
3. Regarding the requirements for an individual NPDES permit, it is the applicant's understanding that based upon the proposed project characteristics and my conversation with Ms. Seto of your staff, an individual NPDES permit will not be necessary. It is anticipated that there will be no wastewater discharged into the State waters as a result of the proposed actions.

Landmark Consulting Services Inc., P.O. Box 915, Hanalei HI. 96714, phone: 808.828.6332, fax: 808 828 6242 email: welborn@aloha.net

4. Lastly with regards to the requirement that the owner/applicant submit a copy of the NOI and/or NPDES permit application to the State DLNR, Historic Preservation Division, we offer that since a NOI and a NPDES permit will not be necessary, these requirements shall likewise be unnecessary. Nevertheless, please be advised that an integral component of the CDUA and Environmental Assessment for the proposed action is an Archaeological Assessment, which has been reviewed and accepted by the SHPD. As a condition of the issuance of a Conservation District Use Permit (CDUP), a number of monitoring and reporting requirements will be imposed by SHPD to safeguard the integrity of historical and cultural resources.

Solid & Hazardous Waste Branch

The following actions will be taken by the owner/applicant in addressing solid waste concerns:

1. An area shall be designated for permanent residential recycling facilities for the inhabitants of the household.
2. Green waste and all grubbed materials shall be composted on site.
3. All non-recyclable, non-compostable materials shall be disposed of at a permitted Department of Health solid waste facility.

Wastewater Branch

Residential and public wastewaters within the project vicinity are typically treated through the development of Individual Wastewater Systems (IWS). There are no municipal treatment plant facilities or public sewer pipelines associated with the project area, nor are any planned for the future. Prior to the construction of the proposed SFR, the Applicants will be required to apply for a building permit from the County of Kauai. A component of the building permit application is a State Department of Health approved Individual Wastewater System (IWS) plan in accordance with the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems".

Environmental Planning Office (EP0)

The suggested input for the EPO is well beyond the normal scope for a project of this scale. The soils of the project parcel have a very high permeability and the proposed actions shall not measurably contribute toward surface water pollution.

Please be advised that your comment letter will all be included in the submittal of a Conservation District Use Application (CDUA) and Draft Environmental Assessment (DEA) for the proposed actions. As such all documentation will be made a part of the public record for the project parcel.

Mahalo to you and your staff for your time and attention this matter.

Sincerely,

Ben Welborn
Project Consultant

c: Dierdre Mamiya, Administrator Land Division, DLNR

LANDMARK
CONSULTING

May 11, 2004

George P. Young, P.E.
Chief, Regulatory Branch
Department of the Army
U.S. Army Engineer District, Honolulu
Building #230
Fort Shafter, HI 96858-5440

Re: Request for Comments
Proposed Ochwat Single Family Residence
Haena, Hanalei, Kauai, Hawaii
TMK (4) 5-9-002: 058

Dear Mr. Young,

A Conservation District Use Application (CDUA) and Draft Environmental Assessment (DEA) addressing the potential impacts of the proposed Ochwat Residence is being submitted to the State DLNR, Office of Conservation and Coastal Lands (OCCL) for review and approval by the Board. As part of this permitting process we have received comments from the State Department of Health, Clean Water Branch. The Clean Water Branch has requested that we contact your office to determine whether a Federal license or permit (including a Department of Army permit) is required for the project.

Included herewith for your review is a copy of the Draft EA. At your earliest convenience, please review the parameters of the project and respond with your written comments to our office regarding Army Corps permitting requirements for the project (if any). The proposed action is for the new construction of a 2,935 square foot single-family residence. The subject property does not share any common boundaries with waterways, ponds or stream channels, nor is it adjacent to the shoreline

Your comments and/or your permit waiver will be included in the submittal of a Final Environmental Assessment for the project and shall become a permanent part of the public record. If, in order to make your determination you require any additional information, then please do not hesitate to call upon me.

Sincerely,

Ben Welborn
Project Consultant

c: Denis R. Lau, P.E., Chief, DOH, Clean Water Branch
Dierdre S. Mamiya, DLNR, Land Division

Landmark Consulting Services Inc., P.O. Box 915, Hanalei HI. 96714, phone: 808.828.6332, fax: 808 828 6242 email: welborn@aloha.net

APPENDIX 2

ARCHAEOLOGICAL INVENTORY LEVEL SURVEY & SHPD DETERMINATION

Ochwat Single Family Residence
Final Environmental Assessment

TMK (4) 5-9-02: 058
Ha`ena, Kaua`i, Hawai`i

LINDA LINGLE
GOVERNOR OF HAWAII

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
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

May 4 2004

Bob Rechtman, Ph.D.
Rechtman Consulting LLC
HC 1 Box 4149
Kea'au, Hawaii 96749

LOG NO: 2004.0868
DOC NO: 0403NM30

Dear Dr. Rechtman:

SUBJECT: **Chapter 6E-42 Historic Preservation Review – An Archaeological Inventory Survey For Ochwat Property In Ha'ena**
Hā'ena, Hanalei, Kauai TMK: (4) 5-9-002:058

Thank you for submitting the archaeological inventory survey report (Rechtman, 2004, *Archaeological Inventory Survey for TMK: 4-5-9-2: 58, Hā'ena Ahupua'a, Halele'a District, Island of Kaua'i*, Rechtman Consulting LLC, ms.). We received the report on March 13, 2004 and provide the following comments. Our review is late, and we apologize for any inconvenience this may cause you or your client.

The project area is about 8,000 square feet in area, and about 200 m inland from the ocean in Hā'ena. The historical and archaeological background sections are satisfactory and provide sufficient evidence for theorizing about probable site types on the subject parcel. We particularly appreciate the map of Hā'ena Ahupua'a showing the locations of various coastal historic sites and site complexes.

A complete surface survey was made of the subject parcel and three backhoe trenches were dug. No historic material, cultural material or historic sites were found. Articulated animal remains (dog and donkey) were found. The report is acceptable.

You recommend that no further archaeological work is necessary and we concur with this recommendation. Please inform the owners to let their contractor know that should human burials be found, all work must stop in the immediate area, the police and our office should be contacted immediately, to determine jurisdiction and proper mitigation.

If you have any questions, please call Nancy McMahon, our Kaua'i archaeologist, at 742-7033.

Aloha,

P. Holly McEldowney

P. Holly McEldowney, Administrator
State Historic Preservation Division

NM:jen

c: Chair, Kaua'i/Ni'ihau Islands Burial Council
Kana'i Kapelela, Burial Sites Program
Ian Costa, Director, Dept of Planning
Chair, Kaua'i Historic Preservation Review Commission

RC-0178

Archaeological Inventory Survey of TMK:4-5-9-2:58

Hāʻena Ahupuaʻa
Haleleʻa District
Island of Kauaʻi

PREPARED BY:

Robert B. Rechtman, Ph.D.

PREPARED FOR:

Noel Ochwat
865 Balboa Avenue
Laguna Beach, CA 92651

March 2004

RECHTMAN CONSULTING, LLC
HC 1 Box 4149 Kea'au, Hawai'i 96749
phone: (808) 966-7636 toll-free fax: (800)406-2665
e-mail: bob@rechtmanconsulting.com
ARCHAEOLOGICAL, CULTURAL, AND HISTORICAL STUDIES

RC-0178

Archaeological Inventory Survey of TMK: 4-5-9-2:58

Hā'ena Ahupua'a
Halele'a District
Island of Kaua'i

RECHTMAN CONSULTING

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INTRODUCTION

At the request of Mr. Noel Ochwat, Rechtman Consulting, LLC conducted an archaeological inventory survey of a roughly 8,000 square foot parcel (TMKs:(4)-5-9-2:58) located in Hā'ena Ahupua'a, Halele'a District, Island of Kaua'i. The objective of the survey was to locate, record, evaluate, and provide treatment recommendations all cultural resources encountered on the study parcel. This report is intended to fulfill the requirements of the County of Kaua'i Planning Department and the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) with respect to permit approvals for land-altering and development activities. The current project was undertaken in compliance with the historic preservation review process requirements of the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) as specified in Hawai'i Administrative Rules.13§13–284.

This report details the project objectives, scope of work, field methods and procedures, and survey findings. A brief archaeological and historical background is provided, which forms the basis for a set of project expectations. Recommendations addressing future historic preservation concerns are also offered.

Scope of Work

Given the nature of known archaeological resources in the general vicinity of the current project area, a discussion was conducted with Nancy McMahon, Kaua'i Island Archaeologist for DLNR-SHPD to define an appropriate scope of work and help guide the research effort. In accordance with the historic preservation review requirements of DLNR-SHPD the following tasks were determined adequate to constitute an appropriate scope of work:

(1) Conduct an archival search of the readily available archaeological and historical literature, historic documents and records, and cartographic sources relevant to the immediate project area;

(2) Perform an intensive surface survey of the subject parcel, locating and documenting all archaeological sites and features;

(3) Excavate a series of backhoe trenches to sufficiently sample subsurface deposits within the project area in an effort to identify buried archeological material; and

(4) Analyze the researched and recovered information and prepare a report of the findings that includes significance evaluations and recommendations for any subsequent historic preservation work that may be required.

Project Area Description

The project area (Figure 1) consists of approximately 8,000 square feet, located in Hāʻena Ahupuaʻa, Haleleʻa District, Island of Kauaʻi (TMK:4-5-9-2:58). Hāʻena is a relatively small *ahupuaʻa*, encompassing only 7.7 square kilometers on the north shore of Kauaʻi. The *ahupuaʻa* has a long coastal strip (almost 5 kilometers), but does not extend inland (*mauka*) for nearly as great a distance. Two streams, Limahuli Stream and Mānoa Stream, flow through Hāʻena year round. The coastal areas of the *ahupuaʻa* are characterized by dune and stabilized dune formations with alluvial benches adjacent to the major drainages. The mean annual rainfall ranges from approximately 67 inches (170 centimeters) per year along the coast to nearly 400 inches (1,000 centimeters) at inland locations.

The study parcel is situated three lots south of Kuhio Highway, roughly 200 meters inland from the shore. It is bounded to the west and south by larger developed parcel, and to the east by Road G of the Hāʻena Hui Lots (Figure 2). The terrain throughout the project area is flat with bare soil exposed over most of the surface (Figure 3). Along the margins of the parcel a variety of ornamental shrubs have been planted along with several trees, including Java plum (*Eugenia cuminii*), coconut palms (*Cocos nucifera*), and breadfruit (*Artocarpus altilis*).

BACKGROUND

To generate a set of expectations regarding the nature of archaeological resources that might be encountered on the study parcel, and to establish an environment within which to assess the significance of any such resources, previous archaeological studies relative to the project area and a general historical context for the broader Hanalei region are presented.

Previous Archaeological Research

Bennett (1931) conducted early archaeological research on Kauaʻi. He recorded three sites in Hāʻena Ahupuaʻa, all in the Keʻe area. The first archaeological research focusing on the district of Haleleʻa, and more specifically Hāʻena Ahupuaʻa, commenced in 1972 (Earle 1973, 1978). In that year, Earle conducted a district-wide survey of Hawaiian agricultural features. He also recorded substantial site complexes along coastal Limahuli Stream and in the upper Mānoa River Valley. As his research was oriented toward gaining an understanding of the relationship between increasing sociopolitical complexity and the managerial opportunities provided by intensive agricultural irrigation systems, he did not undertake major excavations or survey near the Hāʻena Point area.

Substantial subsurface investigations were carried out for the Hāʻena State Park from Limahuli Stream to Keʻe Beach (Griffin et al. 1977; Hammatt and Meeker 1979; Hammatt et al. 1978; Yent 1980). This work identified and documented a significant coastal midden deposit (interpreted as temporary habitation) that may represent the earliest sites on Kauaʻi's north coast, circa AD 900 (Hammatt et al. 1978). The use of the term *may* is intentional as this early date is based on volcanic glass hydration rind dating, which has produced questionable results for Hawaiian source materials. That research also indicated that the intensive use of irrigated agricultural fields began after AD 1200 (Hammatt et al. 1978) based on more secure radiocarbon dates.

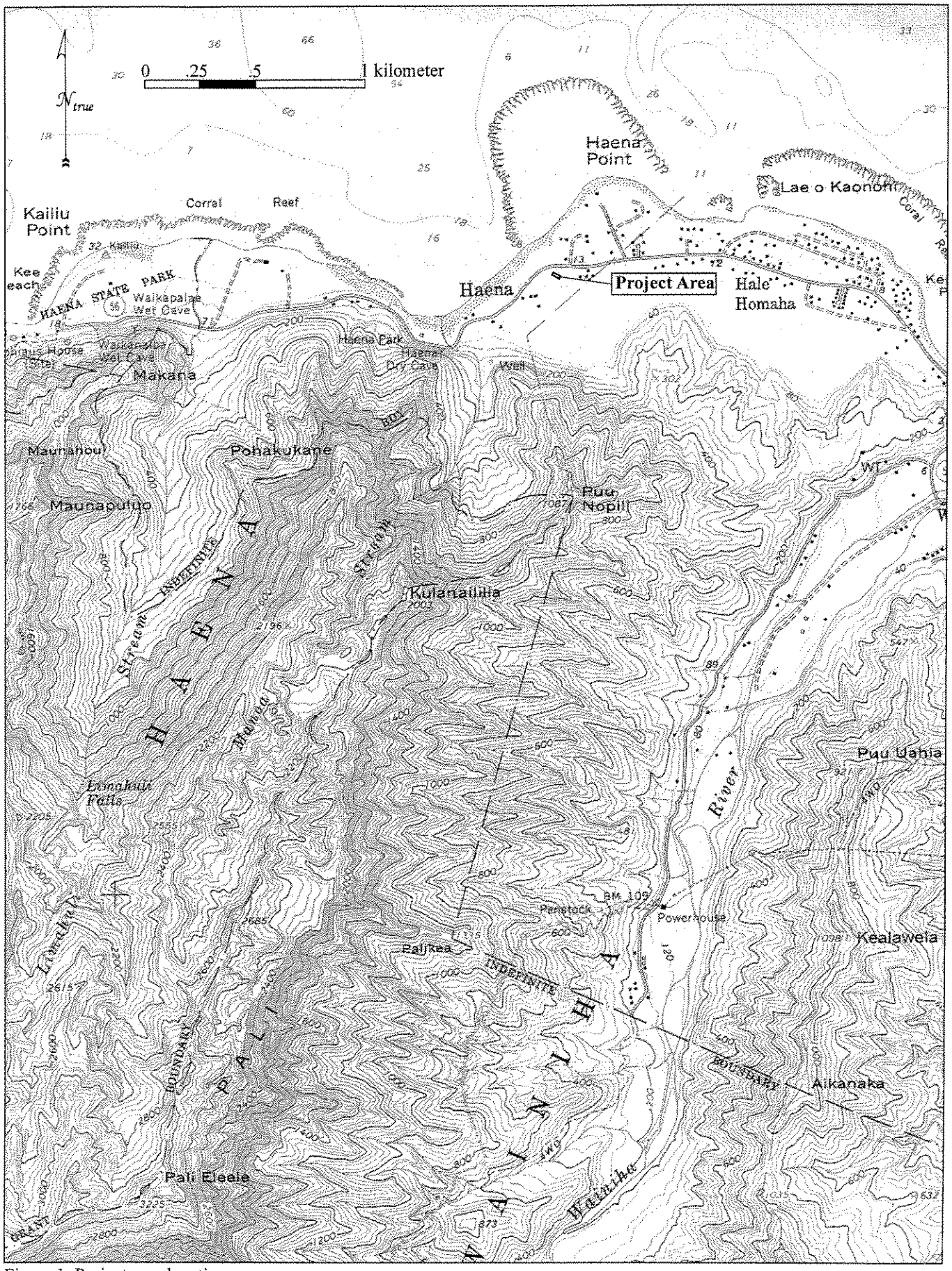

Figure 1. Project area location.

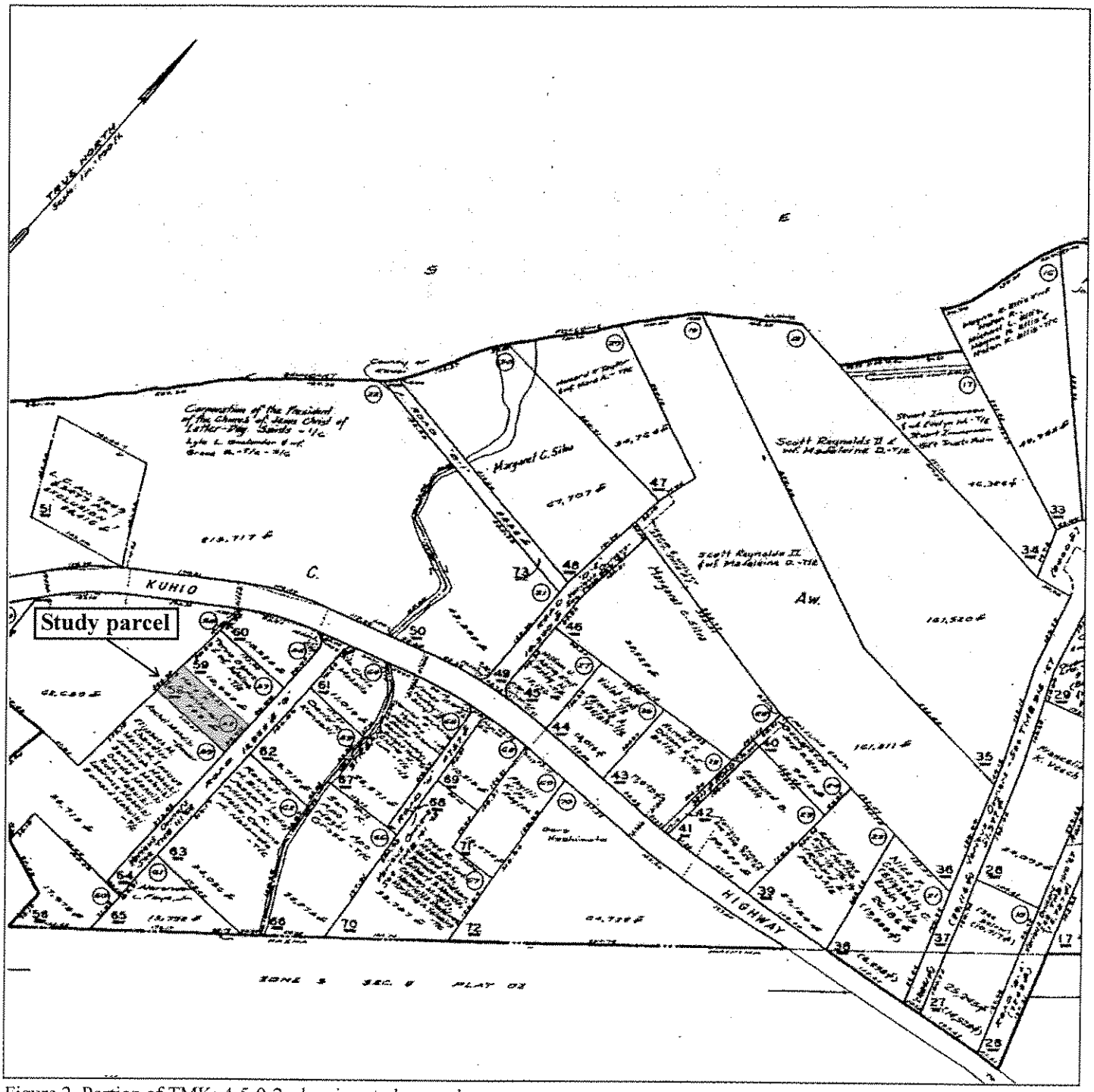

Figure 2. Portion of TMK: 4-5-9-2: showing study parcel.

Figure 3. Subject parcel view to west.

Closer to the current study area, there have been numerous archaeological investigations at small parcels in the vicinity of Hāʻena Point (Table 1). Cumulatively these studies have documented a buried midden deposit associated with temporary habitation (SIHP Site 50-30-01-1809) that extends throughout the area, albeit intermittently. This deposit has been buried by as much as 140 centimeters of sand on different parcels on Hāʻena Point, and contains faunal material from extirpated aviafauna. Radiocarbon dates place the occupation associated with this deposit to between A.D. 1385 and 1500 (Hammatt and Schideler 1989). As others point out, Hāʻena is "one big archaeological site" and may "hold the key to understanding earliest Tahitian or Marquesan colonization in Hawaii" (Griffin et al. 1977:2).

Studies on Hāʻena Point have also led to the discovery of over 60 individual burials on seven different parcels. Clearly this suggests that the Hāʻena Point sand deposits were used for interment purposes and that there is a possibility of encountering subsurface burials in the current study area.

Table 1. Previous archaeological studies in the vicinity of the current study area.

Study Citation	*TMK Parcel Number**	*Type of Study*
Denham and Kennedy (1993)	34	Monitoring
Folk (1990)	48	Reconnaissance
Hammatt (1980)	22	Reconnaissance
Hammatt (1984a)	22	Inventory
Hammatt (1984b)	22	Subsurface testing
Hammatt (1989)	34	Reconnaissance
Hammatt and Schideler (1989a)	31	Monitoring
Hammatt and Schideler (1989b)	34	Data recovery
Hammatt and Schideler (1989c)	35	Data Recovery
Hammatt and Schideler (1998)	50	Inventory
Kennedy (1989)	51	Inventory
Kruse (1994)	20	Monitoring
McElroy (2003)	65	Inventory Survey
McMahon (1988)	41	Inadvertent burial discovery
McMahon (1996)	52	Inadvertent burial discovery
Moore and Kennedy (1995)	52	Inventory
Rechtman (1994)	31	Monitoring
Rechtman (2000)	66, 67	Inventory Survey
Rechtman (2004)	68	Monitoring
Rechtman and Clark (2002)	69, 70	Inventory Survey
Soldo and Dixon (1994)	36	Monitoring

* All TMK parcel numbers are preceded by 59-02.

Hammatt and Schideler (1998) performed an inventory survey of TMK:5-9-02:50, a roughly one acre parcel located directly *makai* of the current study parcels. Their investigation produced negative results with respect to identifying archaeological resources. Neither a buried midden deposit nor burials were encountered in the substantial subsurface testing carried out as part of their investigaion.

Rechtman (2000) conducted an archaeological inventory survey of the two parcels (TMK: 5-9-02:66, 67) located east of the current project area. No archaeological resources were encountered during this survey, and no buried midden deposits or burials were identified during subsurface testing. However, subsequent development work on Parcel 66 and the adjoining roadway Parcel 68 resulted in the inadvertent discovery of human burials (Rechtman 2004). These remains were found at the terminus of a dune formation that exists mostly on Parcel 70.

Parcels 70 and 69 were subject to an archaeological inventory survey by Rechtman and Clark (2002). As a result of that study, two sites (SIHP Site 50-30-01-1872 and SHIP Site 50-30-01-2071) were identified that contain human remains. Site 1872 is a stabilized dune formation in the central portion of Parcel 70 upon which a concrete mausoleum is constructed. Oral sources indicated that several other individuals are also buried in the dune. Site 2071 was discovered during backhoe testing and consists of a single set of articulated juvenile human skeletal remains and associated cultural material located approximately 25 centimeters to 1.3 meters below ground surface. The skeletal remains were revealed in the trench through hand excavation, after mechanical excavation revealed a clustering of buried water worn cobbles. A burial treatment plan is currently be prepared for these site.

Another archaeological inventory study was conducted proximate to the current study area by T.S. Dye & Colleagues, Archaeologists, Inc. (McElroy 2003). McElroy reported that there were no intact cultural deposits discovered on the roughly 13,800 square foot parcel (Parcel 65), and concluded that the construction of the proposed single-family dwelling "will have no effect on significant historic properties." (2003:21).

Historical Context

In 1995, Carol Silva prepared *A Historical and Cultural Report of Hā'ena State Park; Halele'a, Kaua'i;* (Silva 1995). This report documents the traditional and historical significance of Hā'ena within the context of the Halele'a District, Kaua'i, and all of the Hawaiian Islands. Oral traditions indicate that Ha'ena was an important center of ancient *hula* (Joesting 1984). Pele herself was drawn to Hā'ena by the drumming of the chief Lohiau at his *halau* at Ke'e (Emerson 1915). Historical records describe how during the conquest of the Hawaiian Islands by Kamehameha I, the ruling chief of Kaua'i (Kaumuali'i) avoided personal defeat through a peaceable transfer of power. He established a will that left Kaua'i to Kamehameha upon Kaumuali'i's death. Although subject to Kamehameha during the remainder of his life, Kaumuali'i retained leadership over the island. Kamehameha died five years before Kaumuali'i.

Upon Kaumuali'i's death in 1824 his agreement to Kamehameha was honored, rather than the traditional reassignment of lands to local chiefs, the O'ahu powers selected and installed Kaumuali'i's nephew (Kahalaia) as the new chief of Kaua'i. The O'ahu chief Kalanimoku was sent to Kaua'i to inform the local chiefs. The local chiefs rebelled, and a bloody one-sided battle ensued. Well-armed and well-trained warriors were sent to Kaua'i from O'ahu and Maui to support Kalanimoku. The ill-prepared farmers of Kaua'i were easily defeated, and Kaua'i came under the direct rule of the young king (Kamehameha III). Kaikiohewa was appointed governor and the lands were re-divided with the best tracts going to the "loafers and hangers-on (*palaualelo*) of O'ahu and Maui" (Kamakau 1992:269). "Thus, the old order of political power on Kaua'i is dissolved and displaced by a new society of *konohiki* (land managers) who descend from O'ahu and Maui lines" (Silva 1995:4).

This sociopolitical transformation was affirmed and codified by the *Māhele* of 1848. The *ahupua'a* of Hā'ena was awarded (LCAw. 10613) to Abner Paki husband of L. Konia, a granddaughter of Kamehameha I. In addition, there were 23 *kuleana* awards granted in Hā'ena for both *lo'i* and houselots; but the current study area was not one of them. Paki apparently was given the *ahupua'a* during the Kaikiohewa division of lands, post 1824. Paki controlled Hā'ena's fresh water supply, the produce from his 12 *kō'ele* (tenant-worked farms), the gathered mountain and ocean resources, and all octopuses from the coastal waters. In 1837, Kekela'akalaniwahikapa'a (E. Kekela) was appointed by Paki as the *konohiki* of Hā'ena to oversee his interests. Kekela was Paki's aunt and Kamehameha I's sister-in-law, and had resided on Kaua'i (in Lumaha'i Ahupua'a-near Hā'ena) since 1810. Many of the *kuleana* claims were from individuals who were given land by Kekela, who herself claimed land (LCAw. 7949) in the Limahuli area.

Paki died in 1855 and Konia in 1857. Bernice Pauahi Bishop, their only child, inherited their lands and in 1858 Hā'ena was sold to W. H. Pease. Although traditional farming lands become incorporated into a growing cattle industry, the taro *lo'i* along Limahuli and Mānoa streams and the sweet potato plots along the coastal plain remained productive into the twentieth century (Handy 1940). By the turn of the twentieth century this portion of Hā'ena was divided into the Hā'ena Hui house lots. Parcel 58 was originally Hui lot 58, and does not appear to have been constructed upon. Figure 4 shows the general locations of the *kuleana* awards and the locations of archaeologically recorded pondfield, habitation, ceremonial, and burial areas in coastal Hā'ena.

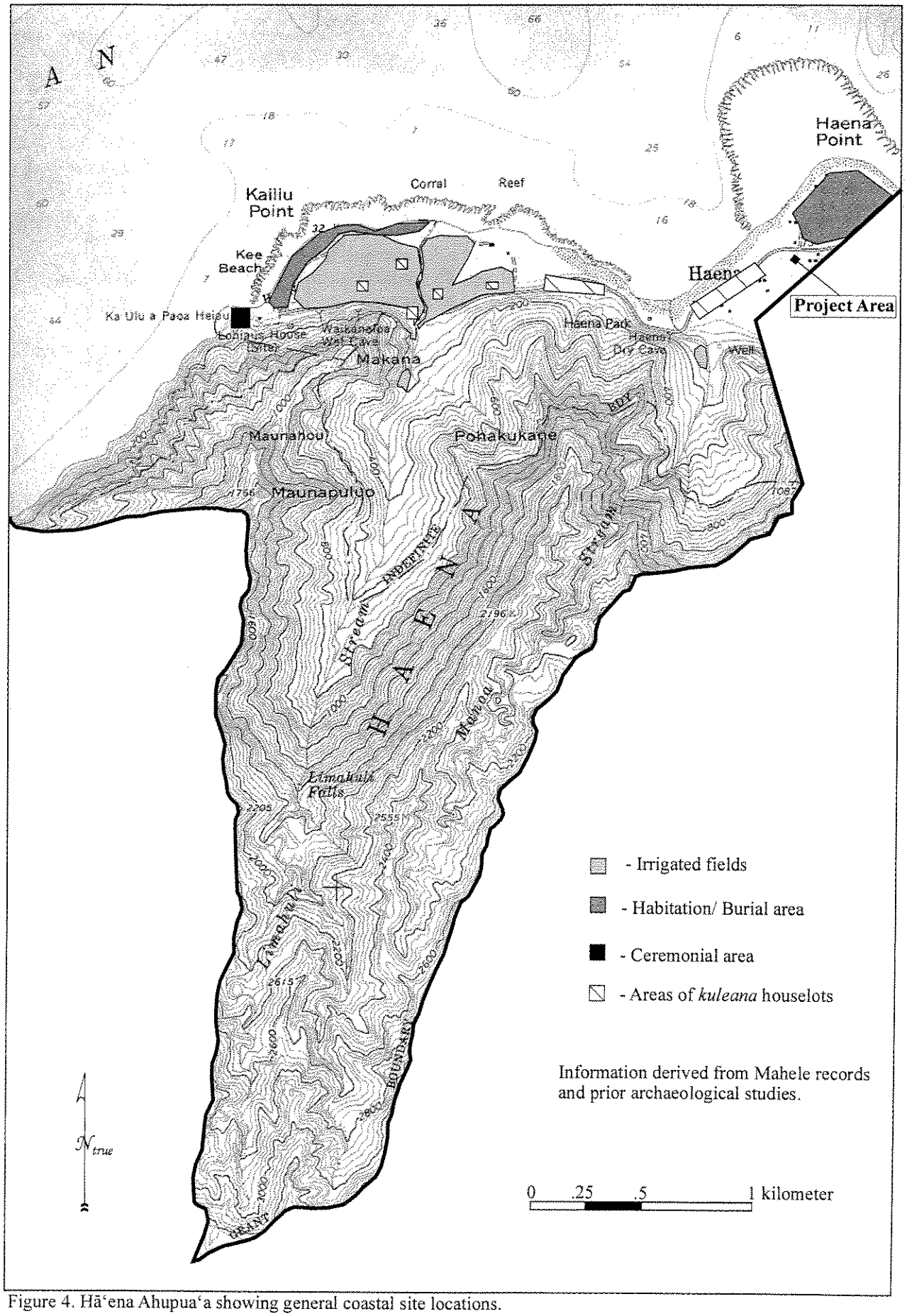

Figure 4. Hā'ena Ahupua'a showing general coastal site locations.

PROJECT EXPECTATIONS

Given the substantial amount of archaeological research in the immediate vicinity of the project area, and the comprehensive historical and cultural background developed for Hā'ena (Silva 1995), the following set of expectations concerning potential findings can be generated. Burial sites exist in the area, and it is possible that such sites could be encountered on the subject parcel. When encountered, these sites tend to be located in dune formations; no such formations exist on the current study parcel. It appears as though a corridor that includes the current project area (perhaps associated with the drainage to the east) has been the focus of intensive environmental energy. Two historically recorded *tsunami* ravaged this area in 1946 and 1957 (Shepard et al. 1950). These episodes may have resulted in the removal of cultural deposits, or alternatively as Hammatt and Schideler (1998) posit, Precontact Hawaiians may have been aware of the potential hazards, and that may have been a factor in a decision not to inhabit the corridor. Evidence of Historic Period (early twentieth century) habitation might also be encountered associated with the establishment of the Hā'ena Hui.

FIELDWORK

Robert B. Rechtman, Ph.D. and Chris Hand, B.A., conducted a 100%-coverage pedestrian survey of the parcel, along with subsurface testing with a backhoe on February 19, 2004.

Methods

The survey strategy included a visual inspection of the entire surface area of both parcels. Based on observations made during this activity, three locations for subsurface testing were selected. A backhoe was used to excavate the two four-meter long trenches and one six meter long trench, one bucket-width wide, at the three selected locations. The width of the backhoe bucket used was 90 centimeters. The soil removed during backhoe excavation was visually examined for cultural material and the stratigraphy visible in the walls of the trenches was recorded and described. The locations of the backhoe trenches are plotted on Figure 5.

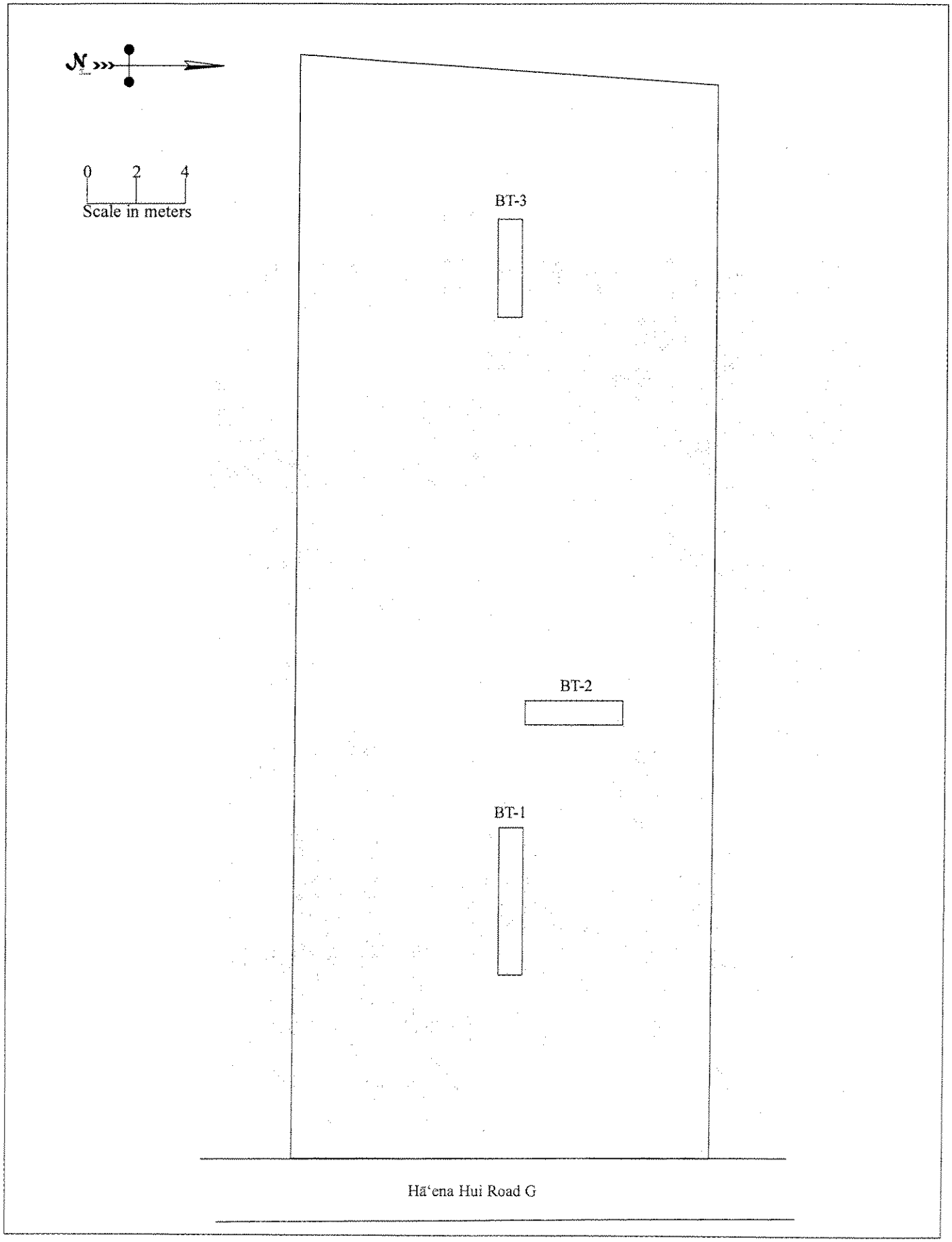

Figure 5. Study parcel showing location of backhoe trenches.

Findings

During the current inventory survey there were no archaeological resources observed on the surface nor were there any encountered during the subsurface testing. In Backhoe Trench 1 the articulated remains of a dog (Figure 6) and the partial articulated remains of a donkey (Figure 7) were encountered at a depth of 25 centimeters below the ground surface. As there was no cultural material associated with these animal remains, it was concluded that the skeletal material did not represent an archaeological deposit. Descriptions of the stratigraphy observed in the three backhœ trenches (BTs) are presented below.

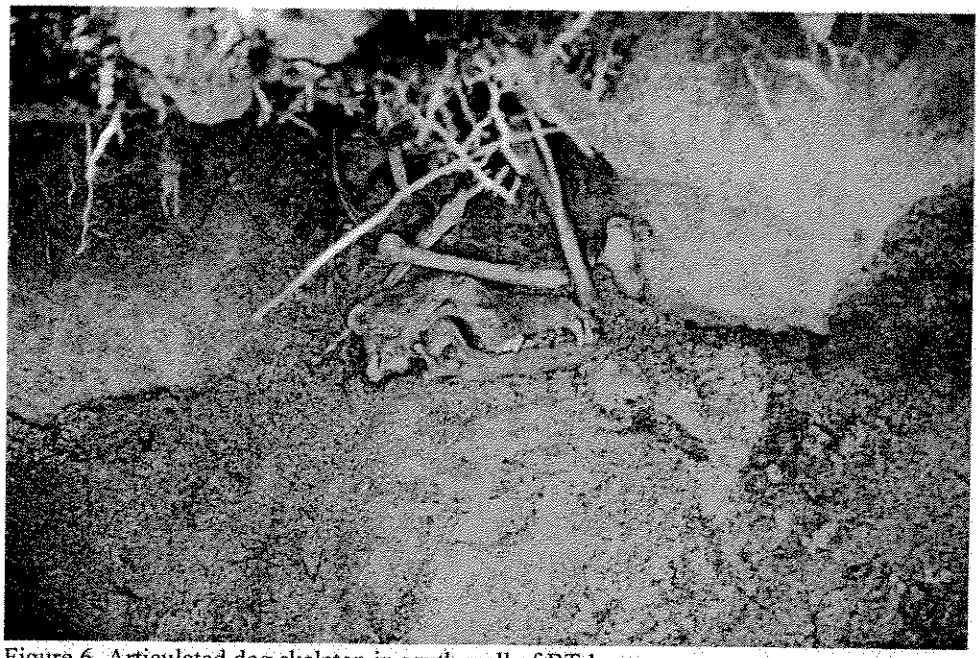

Figure 6. Articulated dog skeleton in south wall of BT-1.

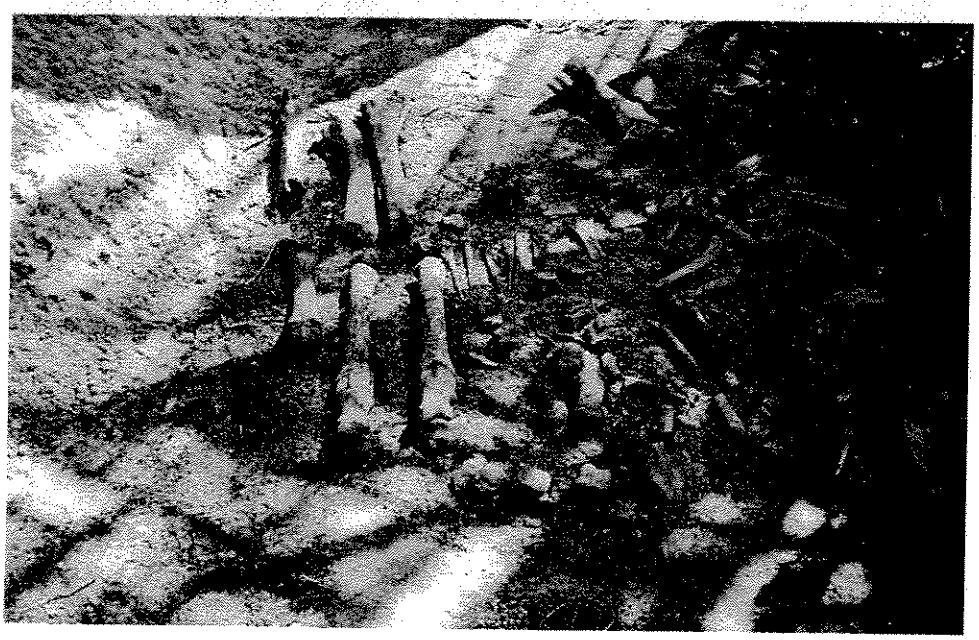

Figure 7. Donkey bone laid out next to BT-1, found in backdirt.

The stratigraphy visible in the backhoe trenches was consistent throughout the project area (Figure 8). A black (10YR 2/1) sandy loam (Layer I) extended from the ground surface to depths ranging from 25 to 45 centimeters depending on the trench. Layer II underlies Layer I and consists of unconsolidated brownish yellow (10YR 6/6) sand generally 100 to 150 centimeters thick. This layer extends to a maximum depth of 210 centimeters below the ground surface. Layer III consists of very pale brown (10YR 7/4) slightly compacted sand. This layer ranged from 40-130 centimeters thick and extended to a maximum of 2.5 meters below the ground surface (in BT-1). In BT-2 and BT-3 a fourth statigraphic layer was observed in the profile; Layer IV is white (2.5YR 8/1) compact sand.

The stratigraphy recorded within the current study parcel is similar to that recorded for TMK:5-9-02:69 and 70 (Rechtman and Clark 2002), but differs from the stratigraphy recorded within TMK:5-9-02:66 and 67 (Rechtman 2000) in that no evidence of prior storm episodes was revealed. The lack of storm deposits in the current project area (and on Parcels 69 and 70) may be attributed to the slightly higher elevation of these parcels and their increased distance from the drainage that runs along the western edge of Parcels 66 and 67 (see Figure 2).

RECOMMENDATIONS

As there were no significant cultural sites or deposits encountered within the study parcels, it is recommended that no further archaeological work need be conducted prior to development. However, in the unlikely event subsurface prehistoric deposits or human burials are inadvertently discovered during construction activities, such activities should be immediately suspended in the vicinity of the discovery, and DLNR-SHPD notified as outlined in the Hawai'i Administrative Rules 13§13-284.

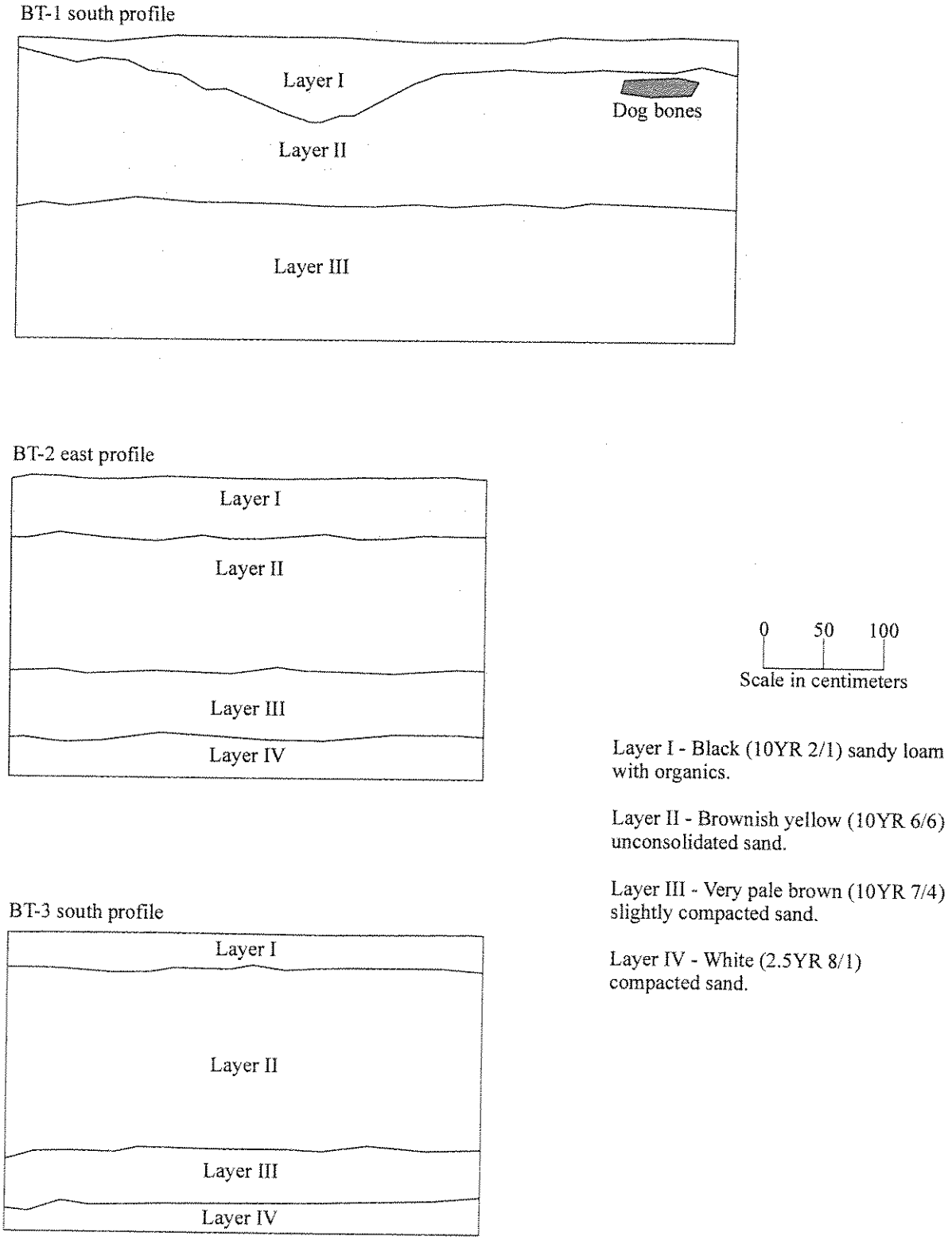

Figure 8. Profiles of backhoe trenches.

REFERENCES CITED

Bennett, W. C.
1931 *Archaeology of Kauai*. B. P. Bishop Museum Bulletin 80, Honolulu.

Denham, T. and J. Kennedy
1993 Remedial Archaeological Investigations and Monitoring Report Following the Inadvertent Discovery of Human Remains on the Zimmerman Property at TMK:5-9-02:34, Hā'ena Ahupua'a, Halele'a District, Kaua'i Island. Archaeological Consultants of Hawai'i, Haleiwa, Hawai'i.

Earle, T. K.
1973 Control Hierachies in the Traditional Irrigation Economy of Halele'a District, Kaua'i. Ph.D. Dissertation, University Microfilms Ann Arbor.

1978 Economic and Social Organization of a Complex Chiefdom: The Halele'a District, Kaua'i, Hawai'i. *Anthropological Papers* No. 63. Museum of Anthropology, University of Michigan.

Emerson, N. B.
1915 *Pele and Hiiaka: A Myth from Hawaii*. Honolulu: 'Ai Pōhaku Press (1993).

Folk, W. H.
1990 Archaeological Reconnaissance of the Paskal Residential Property at Ha'ena, Halele'a, Kaua'i, Cultural Surveys Hawaii, Kailua.

Griffin, P. B., R. Bordner, H. Hammatt, M. Morgenstein, and C. Stauder
1977 Preliminary Archaeological Investigations at Ha'ena, Halele'a, Kaua'i Island. Archaeological Research Center Hawai'i.

Hammatt, H. H.
1980 Archaeological Reconnaissance of a Proposed House Lot (TMK:5-9-02:22), Ha'ena, Halele'a, Kaua'i Island. Archaeological Research Center Hawaii, Inc. Letter Report 14-205. Prepared for John Whitaker.

1984a Archaeological Survey and Subsurface Testing of Lot 3, Hā'ena Hui Lands, Hā'ena, Kaua'i (TMK:5-9-02:22). Cultural Surveys Hawai'i. Prepared for Gary Stice.

1984b Archaeological Subsurface Testing, Lot 3, Hā'ena Hui Lands, Hā'ena, Kaua'i (TMK:5-9-02:22). Cultural Surveys Hawai'i. Letter Report prepared for Gary Stice.

1989 Archaeological Reconnaissance of a Residential Property, Ha'ena, Halele'a, Kaua'i. Cultural Surveys Hawai'i, Kailua.

Hammatt, H., and D. Schideler
1989a Archaeological Investigations at Site 50-30-02-1809 at a Residential Property (TMK:5-9-02:31), Ha'ena, Halele'a, Kaua'i (Anawalt Property). Cultural Surveys Hawai'i, Kailua.

1989b Excavations at Site 50-30-02-1809 at a Residential Property (TMK:5-9-02:34), Ha'ena, Halele'a, Kaua'i (Zimmerman Property). Cultural Surveys Hawai'i, Kailua.

Hammatt, H., and D. Schideler
1989c Excavations at Site 50-30-02-1809 at a Residential Property (TMK:5-9-02:35), Ha'ena, Halele'a, Kaua'i (Rasten Property). Cultural Surveys Hawai'i, Kailua.

1998 Archaeological Inventory Survey for a 43,598 Ft.^{2} Property in the Ahupua'a of Ha'ena, District of Halele'a, Island of Kaua'i (TMK:5-9-02:50). Prepared for Ms. Jackie Yellin. Cultural Surveys Hawai'i, Kailua.

Hammatt, H. H., ans V. Meeker
1979 Archaeological and Ethnohistorical Investigations at Ha'ena, Halele'a, Kaua'i. Archaeological Research Center Hawai'i.

Hammatt, H. H., M. J. Tomonari-Tuggle, and C. F. Streck
1978 Archaeological Investigations at Hā'ena State Park, Halele'a, Kaua'i Island: Phase II Excavations of Beach Localities and Visitors Facilities Area. Archaeological Research Center Hawai'i.

Handy, E.S.C
1940 *The Hawaiian Planter*, Vol. 1. B. P. Bishop Museum Bulletin 161, Honolulu.

Joesting, E.
1984 *Kaua'i the Separate Kingdom*. Published by University of Hawai'i Press and Kaua'i Museum Association, Ltd.

Kamakau, S. M.
1992 *Ruling Chiefs of Hawaii*. The Kamehameha Schools Press, Honolulu (revised edition).

Kennedy, J.
1989 Preliminary Surface Survey and Limited Subsurface Testing at TMK:5-9-02:51, Hā'ena, Halele'a, Kaua'i. Archaeological Consultants of Hawai'i, Haleiwa, Hawai'i.

Kruse, J.
1994 Monitoring Report for Peter Frolking Residence Located in Hā'ena, Halele'a, Island of Kaua'i, TMK:5-9-02:20. Archaeological Consultants of Hawai'i, Haleiwa, Hawai'i.

McElroy, W. K.
2003 Archaeological Inventory Survey of the Pavia Property, Hā'ena, Kaua'i. T.S. Dye & Colleagues Report. Prepared for Landmark Consulting, Hanalei.

McMahon, N.
1988 Human Remains Exposed: Filed Inspection Hā'ena Sand Dune Burial 1802, Hā'ena, Halele'a, Kaua'i. Letter Report on file DLNR-SHPD.

1996 Report on Inadvertent Human Skeletal Remains (50-30-02-1986) Found During Construction of a Single Family Residence on the Fay Property Located at TMK:5-9-02:52, Hā'ena, Halele'a, Kaua'i. Letter Report on file DLNR-SHPD.

Moore, J. R., and J. Kennedy
1995 An Archaeological Inventory Survey with Subsurface Testing Report for a Property Located at TMK:5-9-02:52 in Hā'ena Ahupua'a, Halele'a District, Island of Kaua'i. Archaeological Consultants of the Pacific, Inc. Haleiwa, Hawai'i.

Rechtman, R. B.
1984 Archaeological Monitoring Report for Construction Activities Associated with the Residential Development of TMK:5-9-02:52, Lot 14 (Anawalt Property), Hāʻena, Haleleʻa, Kauaʻi. Prepared for Mr. Fred Anawalt, Los Angeles, California.

2000 Archaeological Inventory Survey of Two Residential Lots at Hāʻena (TMK:4-5-9-2:66, 67), Hāʻena Ahupuaʻa, Haleleʻa District, Island of Kauaʻi. Prepared for Mr. Dale McBeath and Mr. Mark Maxson. Rechtman Consulting Report RC-0028/32.

Rechtman, R., and M. Clark
2002 Archaeological Inventory Survey of Two Residential Lots at Hāʻena (TMK:4-5-9-2:69, 70), Hāʻena Ahupuaʻa, Haleleʻa District, Island of Kauaʻi. Rechtman Consulting Report RC-0116. Prepared for Michael Schmidt.

Shepard, F. P., G. A. MacDonald, and D. C. Cox.
1950 *The Tsunami of April 1, 1946*. University of California Press, Berkeley and Los Angeles, California.

Silva, C.
1994 A Historical and Cultural Report of Hāʻena State Park, Haleleʻa, Kauaʻi. Prepared for DLNR-State Parks Division.

Soldo, D. J., and D. Dixon
1994 Archaeological Monitoring During Construction of a Single Family Residence (TMK: 5-9-02:36), Hāʻena Ahupuaʻa, Kauaʻi Island, Hawaiʻi.

Yent, M.
1980 Preliminary Archaeological Testing of House 4, Hāʻena State Park, Haleleʻa, Kauaʻi. Prepared for DLNR-State Parks Division.

APPENDIX 3

CULTURAL IMPACT ASSESSMENT

Ochwat Single Family Residence
Final Environmental Assessment

TMK (4) 5-9-02: 058
Ha`ena, Kaua`i, Hawai`i

Cultural Impact Assessment

Proposed Ochwat Single Family Residence

TMK (4) 5-9-02:058
Ha`ena, Kaua`i, Hawai`i

This report is an assessment of the potential impacts upon cultural resources as a result of the proposed construction of a single-family residence on the subject property, TMK (4) 5-9-02:058. Cultural impacts are defined as those "relating to the practices and beliefs of a particular cultural or ethnic group." The information contained within this report was gathered through interviews with knowledgeable informants and supplemental documentary research. The contents and findings of this Cultural Impact Assessment (CIA) were gathered as a component of the Conservation District Use Application (CDUA) process for the proposed development of the Browning Single Family Residence located on TMK (4) 5-9-02: 062, situated on the opposite side of Road G, across from the Ochwat parcel (refer to CDUA Exhibit 3). CDUP KA-3133 was approved for the Browning residence on October 10, 2003.

During the process of preparing the Draft Environmental Assessment (DEA) for the proposed Ochwat Residence, the Office of Environmental Quality Control (OEQC) was contacted to determine whether the Browning Cultural Impact Assessment could be adapted for the purposes of inclusion with the Ochwat DEA & CDUA. The OEQC commented that a standard of "reasonableness" should be applied in determining the adaptability of the Browning CIA to the Ochwat project. Therefore, given the close proximity and similarity of the two impacted parcels, the contents of the cultural interviews, and the fact that the Ochwat Archaeological Inventory Level Survey turned up no artifacts or findings of cultural significance, the Applicant and their consultant, Landmark Consulting Services submit that it is reasonable to adapt the contents of the Browning CIA for the Ochwat submittal. The reader, in reviewing this CIA, should bear in mind that all interview comments and data contained in this herein pertains to parcel # 62.

Protocol for assessing cultural impacts as prescribed by the Office of Environmental Quality Control (OEQC), was adhered to in preparing this report. The methods used included:

(1) Identification and consultation with individuals and organizations with expertise concerning the types of cultural resources, practices and beliefs found within the ahupua`a in which the parcel is located.

(2) Identification and consultation with individuals and organizations with knowledge of the area potentially affected by the proposed action.

(3) Conducting ethnographic interviews and gathering oral histories from persons having knowledge of the area.

(4) Conducting ethnographic, historical, anthropological, and culturally related documentary research.

(5) Assessing the impacts of the construction of a single-family residence on TMK (4) 5-9-02:062 (and parcel 58) on the cultural resources, practices and beliefs of native Hawaiians in the area.

I. Consultation with Individuals and Organizations

1) Mary Requilman
Kaua`i Historical Society
4396 Rice St., Suite 101
Lihue, HI 96766
Phone (808) 245-3373

A visit to the offices and archives of the Kaua`i Historical Society turned up no information regarding cultural resources or practices in the immediate vicinity of the subject parcel(s). Ms. Requilman stated that she was unaware of any identified historical or cultural resources connected to this parcel, and said that she doubted anything would be found to contradict information received from local informants. She suggested researching the Hawai`i State Archives, "Land Commission Awards of Kaua`i" translated in 1995 from the Hawaiian language. This was done, and nothing was found to suggest cultural importance for this parcel, which was part of L.C. Award # 10618, Apana 6, awarded to Abner Paki.

2) Chipper Wichman
Director, Limahuli Gardens
National Tropical Botanical Gardens
Director, Hui Maka Ainana o Makana (local grassroots org.)
P.O. Box 808
Hanalei, HI 96714
Phone (808) 826-5547

Mr. Wichman was interviewed and recorded on June 27, 2002. He has been involved in historic preservation, the restoration of archeological sites, and the preservation of native culture for 25 years. For the past two years he has also been involved in a project documenting both the historical and modern cultural practices in the Ahupua`a of Ha`ena.

Mr. Wichman stated: "Since the time of the Hui partition, which started in 1955 and was concluded in 1967, that property (parcel #62) has been designated as a house lot. It was already graded, and there hasn't been any traditional cultural use of the property. The property is all sand, and to my knowledge there is no archaeological construction there. There has been no modern usage. There are no native species growing there, so there has been no gathering of medicinal plants. So I would say that there is no existing cultural use of that property."

When asked whether he felt there would be any cultural impacts from building a single-family residence on the subject lot, he replied, "On that property no, because it would not be restricting access to any cultural resources."

3) Thomas Dye, Ph.D.
Thomas S. Dye, Ph.D. & Colleagues, Archaeologists, Inc.
735 Bishop St., Suite 315
Honolulu, HI 96813
Phone (808) 529-0866

Mr. Dye is an experienced and respected archaeologist with considerable experience conducting archaeological studies in the Ahupua`a of Ha`ena. Reference is made his report entitled an *"Archaeological Assessment for a Residential Lot at Ha`ena, Kaua`i (TMK: 5-9-02: 62)* which contains detailed research and discussions regarding the archaeological, historical and cultural resources of the area. This report has been reviewed and approved by Mr. Ross Cordy, State Archaeologist, with the DLNR, State Historic Preservation Division. Mr. Dye's conclusion is that the, "Construction of a single-family dwelling on the residential lot at TMK: 5-9-

02:62 will have 'no effect' on historic properties because it is unlikely that historic properties are present."

4) **Rick Tsuchiya**
Kaua`i Historic Preservation Review Commission
Administrator, County of Kaua`i, Planning Department
4444 Rice Street, Suite 473
Lihue, HI 96722

Mr. Tsuchiya consulted the State's Historic and Non-Historic Resource Inventory Composite List for the Island of Kaua`i (rev. 9/7/98). The subject parcel was not listed within the State's inventory, indicating that no sites of historic or cultural significance are known to exist on the subject property.

II. Ethnographic and Oral History Interviews

The following individuals were interviewed based upon their knowledge of the Ha`ena Ahupua`a and their familiarity with general history of the area:

1) **Chipper Wichman** (Interviewed on June 27, 2002 - - preserved on tape)

Mr. Wichman is perhaps the most knowledgeable ethnographic and historical informant on the North Shore of Kaua`i. The Director of Limahuli Gardens, and a prominent board member of the Hui Maka Ainana o Makana, a local cultural/historical preservation group, Mr. Wichman's knowledge is well documented and highly respected. Mr. Wichman has recently been involved in a two-year project documenting the historical and modern cultural practices in Ha`ena.

Question: What is your genealogical relationship to this area?
Answer: "My family has been here for five generations."

Question: What expertise or knowledge do you have of this area?
Answer: "I have been involved in historic preservation and restoration of archeological sites as well as

the preservation of our people's culture for 25 years. That is my life."

Question: Are you aware of any past or current cultural practices associated with this property?

Answer: "Since the time of the Hui partition, which started in 1955 and was concluded in 1967, that property has been designated as a house lot. It was already graded, and there has not been any traditional cultural use of that property. The property is all sand, and to my knowledge there is no archaeological construction there. (I used to visit there when Mitchell Kaneali`i lived there, 15-20 years ago.) There has been no modern usage, there are no native species growing there, so there has been no gathering of medicinal plants, so I would say that there is no existing cultural use of that property."

Mr. Wichman stated that there is no way of knowing what religious practices may have taken place historically, as private ceremonies often took place at the homes, rather than at organized religious sites.

"Historically though, there may well have been the possibility of burials. The kahuna would bury loved ones in the floor of their huts. There is no way to predict this. In 1946 and '57, the area was inundated by tidal waves, so burials and structures could have been moved or bones from elsewhere may have been washed there. But since it has been graded, they (the bones) would have been on the surface."

"This area has also been heavily walked on by cattle, which roamed wild there. In the days of the Hui, everyone fenced their home property, and the cattle roamed everywhere." He cited this fact as being one of the things which had a major impact on cultural resources, plants, and structures that may have formerly been in the area.

Question: In general, is there any cultural impact to be had from building a residence on that site?

Answer: "On that property, probably not, because it would not have been restricting access to any cultural resources. Probably the greatest impact, in my opinion, would be if the home became a vacation rental. What's happening in our community is that houses are being developed into very expensive vacation rentals, and it's really tearing the fabric of our community apart. It affects our culture…."

2) Michael Olanolan (Interviewed on June 25, 2002)

Michael Olanolan is the senior member of the Olanolan family, lifelong resident of the North Shore, and neighbor to the subject property. The interview with Mr. Olanolan was not tape-recorded. Mr. Olanolan stated that he was unaware of any cultural resources associated with the subject property, which he has known well for decades. He informed the interviewer that that area was once part of a local rodeo arena, where he and other youngsters practiced their skills with cattle and held informal competitions about thirty years ago. He expressed support of the project and helped to arrange other interviews with local kupuna (elders).

3) Thomas Hashimoto a.k.a. "Uncle Tom" (Interviewed on June 27, 2002)

* Mr. Hashimoto declined to be tape-recorded but agreed to have his name used for this report and to have his comments summarized by the interviewer.

Tom Hashimoto is a local kupuna (elder), a preservationist, and a principal member of the Hui Maka Ainana o Makana. Mr. Hashimoto is 68 years old and was raised in Ha`ena. He was a taro farmer for many years and he works closely with Chipper Wichman. He has also been a fisherman. His is very involved with the local preservation society which is restoring taro fields on the north shore just down the road from Ke`e beach and across from the Wet Cave. We discussed that project and its history and his work with it at length.

When asked whether he was aware of any cultural practices which took place in the area around what is now Road G, he said, "Nope, not in my lifetime." When asked whether he felt there would be any cultural impact from building a single-family residence on the subject lot, he said he did not think so because, "that area used to all be part of the Robinson ranch, and there were cattle running around there for years." He reported that he and his playmates used to go there and practice roping cattle. According to him, there was not an arena there, but it was a place where local boys "played at rodeo, not on that lot, but in the outlying area."

He also noted that a residence on the parcel would not affect access to any cultural resources, plants, or the beach. He said, "I used to think that that lot belonged to the Kaneali`i family for a long time, but it didn't. It was part of the ranch, and then it changed hands many times. It had a mainland owner before Kaneali`i." His feeling was that the parcel had been designated a residential lot and had therefore been open to development for a long time and also that it had not been in native Hawaiian hands for a long time.

Mr. Hashimoto gave his "blessing" to the project but said that it had to be "pono," which he described as meaning "with good feeling, agreement, and respect." The most important thing to him was that the project be built in a way which is pono.

4) **Sampson Mahuiki** (Interviewed on July 1, 2002 - - preserved on tape)

The senior member of Mahuiki family and a neighbor to the subject parcel who owns most of the property to the south side of Road G. He describes his wife as being "a real kahuna," to whom people come for help and ceremonies. Mr. Mahuiki's family has been on this land, "since the Mahele." Mr. Mahuiki could identify no current cultural resources or practices that would be affected by building a residence on the subject lot.

He spoke of his frustration with the permitting process and the public hearings. "Why should we have all these processes now? All this was built without it? Why should we change it? It's too late." He said the State should have done this assessment long ago, and said, "If we gave you flack, then you couldn't build, but we wouldn't do that. There are houses all over here. Why should we

deprive you?" he asked, when the interviewer suggested that this process was to protect him.

He said, "You won't get opposition from those who know the place. This thing was all one house lot. Up 'til 1946 my uncle lived here. Tsunami got it, and they rebuilt. But now, with all these buildings here, they shouldn't even worry about holding up your process. They didn't do this early enough to substantiate about the cultural part."

He discussed his frustration with the lack of enforcement of the rules. He discussed how the Hawaiian way is to build a cheap house and if a tsunami or hurricane takes it, then you build another. The rules require building an expensive 15-foot high house, and then you have to insure it.

Mr. Mahuiki expressed his hope that the interviewer would include the above comments about the process.

III. Documentary Research

Documentary research was conducted at the Kaua`i Historical Society archives and the Hawai`i State Archives as previously discussed. Documentary research was also conducted at the County Planning Department, and reference is also made to the extensive documentary research done by Thomas Dye, Ph.D. in his Archaeological Assessment. *See also commentary from Rechtman Consulting pertaining to the Ochwat parcel #58). Further research was undertaken at the Kaua`i Community College in July of 2002, with the assistance of the research librarians there. The sources and information obtained are outlined below.

1) **Videotape #57**
Keahualaka (Ke`e Beach, Ha`ena)
KCC Learning Resource Center
Produced by Prof.. John Allerton, KCC Anthropology Club
1983

The videotape shows the hula Heiau at Ke`e beach, 2 miles west of the subject property and describes cultural practices which were carried out at that site.

2) **"Historic Sites of Kaua`i"**
Textbook Manuscript for Course HAWNA 097
William K. Pilakikuchi
1994

The section of the text concerning the Ancient District of Halele`a, which included the Ahupua`a of Ha`ena is relevant to the area potentially affected by this project. Attached are maps relating to the historical sites of Ha`ena. The significant cultural/historical sites listed in the text for Ha`ena are the Ha`ena Archeological Complex (map included) and Makana `Ohai firebrand throwing cliffs.

The text describes how in Halele`a the traditional Hawaiian land use patterns, as well as other Hawaiian traditions were maintained much longer than elsewhere in the islands. The system of land ownership, which held into the late sixties, was a reason for this, as well as the fact that the North Shore was insulated by geography and economics. In 1876, 36 Hawaiians bought 1800 acres of the Ha`ena Ahupua`a which was held by them and their descendents in common for 100 years until the 1955-1976 during which time the land was partitioned to settle disputed and confused ownership questions. Ha`ena was the last large Hui in Hawai`i to be dissolved. The result was the opening of this land for sale, which over time brought in housing development and new non-native landowners and residents. The communal "old-style" ways of living receded. Also, taro cultivation declined because of a slackening in demand. The text states that because of its beauty and the scattered pattern of housing, the area has been classified as a Special Treatment (Conservation) Zone.

3) **"Complete List of Heiau and Sites"**
Island of Kaua`i, pages 138-142
Hawaiian Annual, 1938
Thomas G. Thrum

Nothing was noted on this list that is in the immediate vicinity of the subject property. There are 3 sites in Wainiha, several miles to the east, and some in the Hanalei area, even further away. The two sites listed in Ha`ena approximately 8/10$^{th}$ of a mile to the west are Lohiau's housesite near Ke`e Beach, and the hula heiau *Ka ulu o paoa* a.k.a. *Ke ahu o Laka* which was dedicated to Laka also near Ke`e at the end of the road.

IV. Assessment of the Impact of the Project on Cultural Resources and Practices

The informants were unanimous in indicating that there are no modern or historical cultural resources or practices on the subject parcel, and that building a single-family residence would not restrict access to any cultural resources or practices. Nothing was found in documentary research to contradict the information from the informants and ethnographic interviews.

It appears that the only significant cultural impact of the proposed action is its incremental contribution to the continuing decline of the rural, native community, which is a result of private land ownership and the relocation of new residents to the island. However, in this regard, the proposed single family residence it is on a street where all four of the lots on the north side of the street are owned by non-native landowners, and two of these four lots already have modern residences constructed on them while the other two are in process of securing permits. The subject residence would be constructed between these two existing houses. The subject property has been designated as a residential lot for decades, and a permit was already granted for a single family to David Kaneali`i in 1994. (CDUP #KA-2677).

The owners intend to construct a residence of a size and character to be as much in keeping with the rural, tropical setting as possible, given the current building codes. The owners intend to coexist with neighboring long-time native residents with respect and harmony, and they have already formed cordial relationships. Immediate native Hawaiian neighbors express support for the project and indicate that cultural impact will not be an issue. (ref. Olanolan, Mahuiki, Hashimoto).

V. Summary & Conclusion

Based upon the information gathered through interviews, documentary research, and archaeological investigation, the proposed action for the construction of a single family residence on the subject parcel shall not have a significant or adverse impact upon the historical or cultural resources of the Ahupua`a, the Island or the State.

APPENDIX 4

FLORAL & FAUNAL SURVEY

Ochwat Single Family Residence
Final Environmental Assessment

TMK (4) 5-9-02: 058
Ha`ena, Kaua`i, Hawai`i

Floral and Faunal Survey
TMK (4) 5-9-02:058
Ha'ena, Kaua'i, Hawai'i

Introduction

The following Floral and Faunal Survey was conducted in order to fulfill CDUA permitting requirements for TMK (4) 5-9-02:058, the Ochwat Parcel, located in Ha'ena, Kauai. The survey area is the entire parcel, which is 7,931 square feet. The information provided in this report was obtained by walking through the survey area on foot. All plant and animal species observed were identified and noted. The parcel was thoroughly covered during a 20 minute period on May 7th, 2004.

Vegetation

The vegetation in the survey area is completely human derived. This area lacks even a semi-natural plant community. The plant species found here have either been planted or were allowed to grow along the edges of the property. The current vegetation consists of a mostly open canopy, punctuated by a few large coconut, kukui, African tulip, avocado, and breadfruit trees. Herbaceous species on the site consist of alien weeds that have been allowed to colonize since the area was initially cleared. The most frequently encountered herbs are indigo (*Indigoifera suffruticosa*), Spanish clover (*Desmodium incanum*), candle bush (*Senna alata*), and several species of introduced grasses. There are occasional small bamboo sprouts in the area. Ornamentals such as yellow oleander, cycads and *Draceana* spp. have been planted along the residential drive. There are no native species on the parcel. Alteration of the vegetation on this parcel would not be considered a loss of habitat to any sensitive plant or animal species. A complete list of plant species observed on the site can be found in Appendix 1.

Animal Species Observed

This parcel is marginal habitat for a number of non-native bird species such as Japanese white-eye (*Zosterops japonicus*), red-crested cardinal (*Paroaria coronata*), and wild jungle fowl (*Gallus gallus*). A complete list of animal species observed on the site can be found in Appendix 2. These species will likely move to adjacent habitat during construction, but will return to the area once the activity has ceased.

Threatened and Endangered Species

No native animal or plant species were observed during this survey. The survey did not locate any plant or animal species that are Federally Listed as Threatened or Endangered Species, or any species that are candidates for Federal Listing.

Prepared by David W. Bender, Biological Consultant

Signed : David Bender **Date: 05-10-04**

Appendix 1. Plant species observed at Ochwat Parcel. TMK (4) 5-9-02:058

Botanical Name	Common Name	Status	Form
Pteridophytes (ferns)			
Polypodiaceae			
Phymatosorus scolopendria	lau'ae fern	modern intro.	herb
Gymnosperms			
Cycas revoluta	cycad	modern intro.	shrub
Dicotelydons			
Amaranthaceae			
Amaranthus viridus	slender amaranth	modern intro.	herb
Apocynaceae			
Cascabela thevetia	yellow oleander	modern intro.	tree
Araliaceae			
Panax sp.	panax	modern intro.	tree
Asteraceae			
Ageratum conyzoides			
Crassocephalum crepidioides	none	modern intro.	herb
Pluchea carolinensis	sourbush	modern intro.	shrub
Synedrella nodiflora	synedrella	modern intro.	herb
Wedelia trilobata	wedelia	modern intro.	herb
Bignoniaceae			
Spathodea campanulata	African tulip	modern intro.	tree
Caricaceae			
Carica papaya	papaya	modern intro.	tree
Casuarinaceae			
Casuarina equesitifolia	ironwood	modern intro.	tree
Commelinaceae			
Commelina diffusa	honohono	modern intro.	herb
Convolvulaceae			
Ipomoea triloba	little bell	modern intro.	vine
Stictocardia tilifolia	morning glory	modern intro.	vine
Euphorbiaceae			
Acalypha wilkesiana	Beefsteak plant	modern intro.	shrub
Aleurites moluccana (L.)	kukui	Polynesian intro.	tree
Ricinus communis L.	castor bean	modern intro.	tree
Fabaceae			
Senna alata (L.) Roxb.	candle bush	modern intro.	shrub
Desmodium incanum DC.	spanish clover	modern intro.	herb
Indigoifera suffruticosa Mill.	indigo	modern intro.	shrub
Malvaceae			
Hibiscus rosa-sinensis	cv. Snowlfake	modern intro.	shrub
Moraceae			
Artocarpus altilis	breadfruit	modern intro.	tree
Persea americana	avocado	modern intro.	tree
Myrtaceae			
Syzigium cumini	Java plum	modern intro.	tree
Verbenaceae			
Stachytarpheta jamaicensis	Jamaican vervain	modern intro.	shrub
Agavaceae			
Cordyline terminalis	ornamental ti	modern intro.	tree
Dracaena marginata	dragon tree	modern intro.	tree
Arecaceae			
Cocos nucifera	niu	Polynesian intro.	tree
Araceae			
Alocasia macrorrhizos	'ape	Polynesian intro.	herb
Poaceae			
Bambusa sp.	bamboo	modern intro.	shrub
Cynodon dactylon	Bermuda grass	modern intro.	herb
Paspalum conjugatum	Hilo grass	modern intro.	herb

Appendix 2. Animal species observed at Ochwat Parcel. TMK (4) 5-9-02:058

Scientific Name	Common Name	Status
Birds		
Acridotheres tristis	common myna	modern intro.
Gallus gallus	wild jungle fowl	Polynesian intro.
Paroaria coronata	red-crested cardinal	modern intro.
Zosterops japonicus	Japanese white-eye	modern intro.

APPENDIX 5

DOCUMENTATION OF DRAFT EA AGENCY COMMENTS

Ochwat Single Family Residence
Final Environmental Assessment

TMK (4) 5-9-02: 058
Ha`ena, Kaua`i, Hawai`i

LINDA LINGLE
GOVERNOR OF HAWAII

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ACTING DEPUTY DIRECTOR - WATER

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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF:OCCL:DH

FILE NO: CDUA KA-3280

Acceptance Date: December 27, 2005
180-Day Exp. Date: June 25, 2006

FEB - 8 2006

Ben Welborn
Landmark Consulting Services, Inc.
P.O. Box 915
Hanalei, Hawaii 96714

Dear Mr. Welborn:

SUBJECT: REQUEST FOR COMMENTS
CDUA KA-3280 for the Ochwat proposed Single Family Residence (SFR) located in the Haena District, Island of Kauai, Subject Parcel TMK: (4) 5-9-002:058

This letter is regarding the processing of CDUA KA-3280. The public and agency comment period on your application has closed. Attached to this letter are copies of the comments received by the Office of Conservation and Coastal Lands (OCCL) regarding your CDUA. Please send copies of your responses to the questions raised in these letters directly to the authoring agency as well as to the OCCL. Please submit six paper copies of the Final EA to us by February 23, 2006 so it can be submitted for the March 8, 2006 Environmental Notice. Also include an Office of Environmental Quality Control (OEQC) Publication Form for the Final EA, and if the project summary has changed a new summary on diskette. We also request that you include the entire CDUA with the Final EA on a compact disk for your submittal. Your CDUA will be placed on the agenda of the Board of Land and Natural Resources (BLNR) for their consideration. Early submittal of your response to comments will expedite the review process.

Should you have any questions, please contact Dawn Hegger of the Office of Conservation and Coastal Lands at 587-0380.

Aloha,

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

c: Oahu District Land Office
City and County of Honolulu Department of Planning and Permitting

LANDMARK
CONSULTING

February 19, 2006

Samuel J. Lemmo, Administrator
DLNR, Office of Conservation and Coastal Lands
P.O. Box 621
Honolulu, HI 96809

Re: CDUA KA-3280
Proposed Ochwat Single Family Residence
TMK (4) 5-9-002: 058
Comments on Draft EA

Dear Mr. Lemmo,

This letter is to acknowledge receipt of your correspondence dated February 8th, 2006 which included copies of the public and agency comments received during the comment period for the above referenced Draft EA. The proposed action appeared in the January 8th, 2006 Environmental Notice; therefore, the statutory end of the public comment deadline was February 7th, 2006. Additional time has been allowed for the receipt of delayed responses. Each of the comments provided will be responded to, and where appropriate additional measures for the mitigation of significant impacts will be incorporated into the Final Environmental Assessment.

A copy of the Final EA will be submitted to your office shortly,

Thank you,

Ben Welborn
Project Consultant

Landmark Consulting Services Inc., P.O. Box 915, Hanalei HI. 96714, phone: 808.828.6332, fax: 808 828 6242 email: welborn@aloha.net

PHONE (808) 594-1888

FAX (808) 594-1865

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

HRD05/1288B

January 12, 2006

Samuel Lemmo
Administrator
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

RE: Conservation District Use Application (CDUA – KA3280) for the Ochwat proposed Single Family Residence, Hā'ena, Kaua'i; TMK: 5-9-002:058

Dear Sam Lemmo,

The Office of Hawaiian Affairs (OHA) is in receipt of your December 27, 2005, request for comments on the above project, which would include the construction of a 7,931-square-foot single family residence. OHA apologizes for the delayed response and offers the following comments.

We request that you also contact, if you have not already, our Kaua'i Community Resource Coordinator (name and address below), who can best advise you with whom else you should consult about ground disturbances in this area and the potential for discoveries of iwi kūpuna and Native Hawaiian cultural sites.

On February 26, 2004, OHA wrote to Ben Welborn, of Landmark Consulting, noting that human remains recently had been found on many Hā'ena lots. Because this lot does not differ significantly from any of those lots, we therefore requested the creation of a burial treatment plan, to be approved by the Kaua'i/Ni'ihau Islands Burial Council, in preparation for potential burial discoveries. No such burial treatment plan was created, however, because a subsequent Archaeological Inventory Level Survey was conducted, including the digging of three backhoe trenches. When no cultural material was found, the State Historic Preservation Division concurred that no further archaeological work would be necessary.

Hā'ena Point once held a large, traditional Hawaiian settlement, which means that developers should anticipate finding cultural remains in the area. The Ochwat proposed single family dwelling would be in close proximity to the large habitation and burial area, and the Archaeological Inventory Survey even notes: "Burial sites exist in the area, and it is possible that such sites could be encountered on the subject parcel." Thus, OHA's concerns have not changed on this matter, but we will rely on the applicant's written assurances to us (May 11, 2004) that should iwi kūpuna or Native Hawaiian cultural deposits be found during ground disturbance, work will cease, and the appropriate agencies be contacted pursuant to applicable law.

Thank you for the opportunity to comment. If you have any further questions or concerns please contact Heidi Guth at (808) 594-1962 or e-mail her at heidig@oha.org.

Sincerely,

Clyde W. Nāmu'o
Administrator

CC: La France Kapaka-Arboleda
Community Resource Coordinator
OHA – Kaua'i Office
3-3100 Kuhio Highway, Suite C4
Lihue, HI 96766-1153

Ben Welborn
Landmark Consulting Services, Inc.
P.O. Box 915
Hanalei, HI 96714

LANDMARK
CONSULTING

February 19, 2006

Clyde W. Namu`o, Administrator
Office of Hawaiian Affairs
711 Kapi`olani Boulevard, Suite 500
Honolulu, HI 96813

Re: Conservation District Use Application, CDUA KA-3280
Proposed Ochwat Single Family Residence
TMK (4) 5-9-02: 058, Ha`ena, Kaua`i
Comments on Draft Environmental Assessment

Dear Mr. Namu`o,

Thank you for your letter dated January 12, 2006 with comments on the Draft EA for the proposed construction of the Ochwat residence to be located within a portion of the Limited Subzone of the Conservation District in Ha`ena, Kaua`i. Your time and attention in reviewing the Draft EA and in providing your comments is much appreciated.

In the first paragraph of your letter you reference the proposed Ochwat residence as a 7,931 square foot structure. This, I assume was a typographical error. The subject parcel is 7,931 square feet and the proposed single family residence has a "development area" of approximately 2,990 square feet. Please note that this development area is revised from the 2,935 square feet disclosed in the Draft EA and CDUA. Fifty five (55) additional square feet were added to the lower level storage area and ceramic studio. The Final EA will include an additional exhibit 9B depicting the accurate proportions of the proposed lower level storage area and studio/workshop.

Regarding archaeological matters, as you have noted in your letter, an Archaeological Inventory Survey was conducted on the subject parcel by Rechtman Consulting, LLC. As per the recommendation section of the Rechtman report, "*no significant cultural sites or deposits were encountered within the study parcel, (therefore) it is recommended that no further archaeological work need be conducted prior to development. However, in the unlikely event subsurface prehistoric deposits or human burials are inadvertently discovered during construction activities, such activities should be immediately suspended in the vicinity of the discovery, and DLNR-SHPD notified as outlined in the Hawai`i Administrative Rules Section 13-284.*" SHPD in a letter dated May 4th, 2004 (Log No: 2004.0868 and Doc No: 0403NM30) found the Rechtman report and methodology to be acceptable and concurred with the recommendation that no further archaeological work would be necessary prior to construction.

Landmark Consulting Services Inc., P.O. Box 915, Hanalei HI. 96714, phone: 808.828.6332, fax: 808 828 6242 email: welborn@aloha.net

As per your request, I have contacted La France Kapaka-Arboleda, the Kauai Community Resource Coordinator for the Office of Hawaiian Affairs. La France and I had a good discussion about the subject property, its general location and the proposed construction of a new residence upon the parcel. La France was assured that should burials or Native Hawaiian cultural deposits be found during ground disturbance activities, work will cease and the appropriate agencies, including the Kauai/Ni`ihau Islands Burial Council shall be contacted pursuant to applicable law.

In closing, thank you again for your comments and concerns. Your recommendations and this response will be incorporated into the Final Environmental Assessment and will become a part of the public record associated with the CDUA.

Sincerely,

Ben Welborn

cc: La France Kapaka-Arboleda, OHA – Kauai Office
Sam Lemmo, DLNR Office of Conservation and Coastal Lands

AQUATIC RESOURCES: 05-7311

DIRECTOR	✓
COMM. FISH.	
AQ RES/ENV	
AQ REC	✓
PLANNER	
STAFF SVCS	
RCUH/UH	
STATISTICS	
AFRC/FED AID	
EDUCATION	
SECRETARY	
OFFICE SVCS	
TECH ASST	✓
Return to:	
No. Copies	
Copies to:	
Due Date:	

LINDA LINGLE
GOVERNOR OF HAWAII

Department of Land and Natural Resources
State of Hawaii

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

RECEIVED DH
DEC 26 2005
AQUATIC RESOURCES

CDUA: KA-3280

Acceptance Date: December 27, 2005
180-Day Exp. Date: June 25, 2006
SUSPENSE DATE: 21 Days from stamped date DEC 27 2005
1/20/06

MEMORANDUM:

TO: Division of Forestry and Wildlife, Historic Preservation Division, Engineering Division, Kauai District Land Office, Commission on Water Resource Management, Division of Aquatic Resources, Division of Conservation and Resources Enforcement

FROM: D.H. for Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: CDUA KA-3280 for the Ochwat proposed Single Family Residence (SFR)

APPLICANT: Ben Welborn, Landmark Consulting Services, Inc., P.O. Box 915, Hanalei, Hawaii, 96714

TMKs: (4) 5-9-002:058

LOCATION: Haena District, Island of Kauai,

RECEIVED
OFFICE OF CONSERVATION
2006 JAN -9 P 3:42
DEPT. OF LAND & NAT. RES.

PUBLIC HEARING: YES NO X

Please contact Dawn Hegger at 587-0380, should you have any questions on this matter. If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp.

(X) Comments Attached

( ) No Comments

Signature

Date 1/9/06

Attachment(s)

SUSPENSE DATE: January 20, 2006

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

MEMORANDUM

To: Dan Polhemus, Administrator
From: Richard Sixberry, Aquatic Biologist
Subject: Comments on Conservation District Use Application KA-3280

Comments Requested By: Sam Lemmo - Land Division

Date of Request: 12/27/06 Date Received: 12/26/06

Summary of Project

Title: Single Family Residence

Proj. By: Noel & Suzi Ochwat

Location: Haena, Kauai

Brief Description:

The applicant proposes to construct a single family dwelling with related improvements on a parcel accessed by a 30' wide private roadway leading to Kuhio Highway at Haaena, Kauai. This property does not border the shoreline.

Comments:

Significant impacts adverse to aquatic resource values are not expected from the proposed single family dwelling.

Precautions should be taken to prevent debris, landscaping chemicals, eroded soil, petroleum products and other potential contaminants from flowing blowing or leaching into the aquatic environment.

Richard Sixberry
Aquatic Biologist

LANDMARK
CONSULTING

February 20, 2006

Richard Sixberry, Aquatic Biologist
DLNR, Division of Aquatic Resources
1151 Punchbowl Street, Room 330
Honolulu, HI 96813

Re: Conservation District Use Application, CDUA KA-3280
Proposed Ochwat Single Family Residence
TMK (4) 5-9-02: 058, Ha`ena, Kaua`i
Comments on Draft Environmental Assessment

Dear Mr. Sixberry,

This letter acknowledges your comments to the OCCL relating to the proposed Ochwat Single Family Residence which is to be located within an area of the Limited Subzone of the Conservation District in Hae`na Kaua`i.

Best Management Practices (BMP), appropriate solid and toxic waste disposal, regular site clean-up and other such precautions will be taken to prevent petroleum products, construction debris, noxious paint products, chemical residue, landscaping chemicals and other potential contaminants from flowing, blowing or leaching into the aquatic environment.

Your comments and the above referenced documentation will be included in the Final Environmental Assessment for the proposed actions and shall become a part of the public record for the CDUA. Thank you for your time in reviewing and commenting on this matter.

Sincerely,

Ben Welborn

cc: Sam Lemmo, Office of Conservation and Coastal Lands

Landmark Consulting Services Inc., P.O. Box 915, Hanalei HI. 96714, phone: 808.828.6332, fax: 808 828 6242 email: welborn@aloha.net

LINDA LINGLE
GOVERNOR OF HAWAII

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

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

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LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

HAWAI'I HISTORIC PRESERVATION
DIVISION REVIEW

Log #: 2005.2551
Doc #: 0601NM03.doc

Applicant/Agency: Samuel J. Lemmo, Administrator/Office of Conservation and Coastal Lands
__FOR: Ben Welborn, Landmark Consulting Services Inc.

Address: DLNR, POB 621,
Honolulu, HI 96809

SUBJECT: Chapter 6E-42 Historic Preservation Review –CDUA KA-3280
For Ochwat Proposed Single Family Residence (SFR)

Ahupua`a: Haena
District, Island: Hanalei, Kauai
TMK: (4) 5-9-002: 058

1. We believe there are no historic properties present, because:
___a) intensive cultivation has altered the land
___b) residential development/urbanization has altered the land
___ c) previous grubbing/grading has altered the land
✓ d) an acceptable archaeological assessment or inventory survey found no historic properties
___e) other:

2. This project has already gone through the historic preservation review process, and mitigation has been completed__.

✓ Thus, we believe that "no historic properties will be affected" by this undertaking.

In the event that historic resources, including human remains, are uncovered during routine construction activities, all work in the vicinity must cease immediately in the vicinity of the find, the find needs to be protected from additional disturbance, and the State Historic Preservation Division must be contacted without delay at 808 742-7033.

Aloha,

1/3/06

Nancy McMahon, Lead Kaua'i Archaeologist
State Historic Preservation Division

LANDMARK
CONSULTING

February 19, 2006

Nancy McMahon, Lead Kaua`i Archaeologist
DLNR, State Historic Preservation Division
601 Kamokila Boulevard, Room 555
Kapolei, HI 96707

Re: Conservation District Use Application, CDUA KA-3280
Proposed Ochwat Single Family Residence
TMK (4) 5-9-02: 058, Ha`ena, Kaua`i
Comments on Draft Environmental Assessment

Dear Ms. McMahon,

This letter acknowledges your comments to the OCCL dated January 3, 2006 relating to the proposed Ochwat Single Family Residence to be located within an area of the Limited Subzone of the Conservation District in Hae`na Kaua`i.

Regarding archaeological matters, as you have noted in your letter, an Archaeological Inventory Survey was conducted on the subject parcel. The survey was done by Rechtman Consulting, LLC. As indicated in the recommendation section of the Rechtman report, "*no significant cultural sites or deposits were encountered within the study parcel, (therefore) it is recommended that no further archaeological work need be conducted prior to development. However, in the unlikely event subsurface prehistoric deposits or human burials are inadvertently discovered during construction activities, such activities should be immediately suspended in the vicinity of the discovery, and DLNR-SHPD notified as outlined in the Hawai`i Administrative Rules Section 13-284.*"

SHPD in a letter dated May 4th, 2004 (Log No: 2004.0868 and Doc No: 0403NM30) found the Rechtman report and methodology to be acceptable and concurred with the recommendation that no further archaeological work would be necessary prior to construction.

Your comments and the above referenced documentation will be included in the Final Environmental Assessment for the proposed actions. Thank you for your time in reviewing and commenting on this matter.

Sincerely,

Ben Welborn

cc: Sam Lemmo, Office of Conservation and Coastal Lands

Landmark Consulting Services Inc., P.O. Box 915, Hanalei HI. 96714, phone: 808.828.6332, fax: 808 828 6242 email: welborn@aloha.net

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POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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OFFICE OF CONSERVATION
2006 JAN 5 A 10: 04
DEPT. OF LAND & NATURAL RESOURCES

REF:OCC:DH

CDUA: KA-3280

Acceptance Date: December 27, 2005
180-Day Exp. Date: June 25, 2006
SUSPENSE DATE: 21 Days from
stamped date DEC 27 2005

MEMORANDUM:

TO: Division of Forestry and Wildlife, Historic Preservation Division, Engineering Division, Kauai District Land Office, Commission on Water Resource Management, Division of Aquatic Resources, Division of Conservation and Resources Enforcement

FROM: D.H. for Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: CDUA KA-3280 for the Ochwat proposed Single Family Residence (SFR)

APPLICANT: Ben Welborn, Landmark Consulting Services, Inc., P.O. Box 915, Hanalei, Hawaii, 96714

TMKs: (4) 5-9-002:058

LOCATION: Haena District, Island of Kauai,

PUBLIC HEARING: YES NO X

Please contact Dawn Hegger at 587-0380, should you have any questions on this matter. If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp.

X Comments Attached

( ) No Comments

Signature

1/4/06
Date

Attachment(s)

--DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

CDUA:KA-3280
Ref.: OCC:DH
Kauai.45

COMMENTS

(X) We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone VE.

( ) Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone ___.

( ) Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ___.

(X) Please note that the project site must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

( ) Mr. Robert Sumimoto at (808) 523-4254 or Mr. Mario Siu Li at (808) 523-4247 of the City and County of Honolulu, Department of Planning and Permitting.

( ) Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.

( ) Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.

(X) Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.

( ) The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.

( ) The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

( ) Additional Comments: _____

( ) Other: _____

Should you have any questions, please call Mr. Andrew Monden of the Planning Branch at 587-0229.

Signed: Eric T. Hirano
ERIC T. HIRANO, CHIEF ENGINEER

Date: 1/4/06

LANDMARK
CONSULTING

February 20, 2006

Eric T. Hirano, Chief Engineer
DLNR, Engineering Division
P.O. Box 621
Honolulu, HI 96809

Re: Conservation District Use Application, CDUA KA-3280
Proposed Ochwat Single Family Residence
TMK (4) 5-9-02: 058, Ha`ena, Kaua`i
Comments on Draft Environmental Assessment

Dear Mr. Hirano,

This letter acknowledges your comments to the OCCL relating to the proposed Ochwat Single Family Residence which is to be located within an area of the Limited Subzone of the Conservation District in Hae`na Kaua`i.

I have reconfirmed with the project civil engineer that the proposed residence will be located within Flood Zone VE 23 according to his certified interpretation of the Flood Insurance Rate Map (FIRM panel 1500020030 D, dated October 18, 2002). As such, the lowest horizontal structural member of the proposed residence will be elevated at or above 23 feet MSL. During the county building permit review process, structural and non-structural elements of the residence will be reviewed by the Department of Public Works for compliance with the National Flood Insurance Program (NFIP) and the County of Kauai flood ordinance.

Your comments will be included in the Final Environmental Assessment for the proposed actions and shall become a part of the public record for the CDUA. Thank you for your time in reviewing and commenting on this matter.

Sincerely,

Ben Welborn

cc: Sam Lemmo, Office of Conservation and Coastal Lands

Landmark Consulting Services Inc., P.O. Box 915, Hanalei HI. 96714, phone: 808.828.6332, fax: 808 828 6242 email: welborn@aloha.net

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF:OCC:DH

CDUA: KA-3280

Acceptance Date: December 27, 2005
180-Day Exp. Date: June 25, 2006
SUSPENSE DATE: 21 Days from
stamped date DEC 27 2005

MEMORANDUM:

TO: Division of Forestry and Wildlife, Historic Preservation Division, Engineering Division, Kauai District Land Office, Commission on Water Resource Management, Division of Aquatic Resources, Division of Conservation and Resources Enforcement

FROM: D.H. for Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: CDUA KA-3280 for the Ochwat proposed Single Family Residence (SFR)

APPLICANT: Ben Welborn, Landmark Consulting Services, Inc., P.O. Box 915, Hanalei, Hawaii, 96714

TMKs: (4) 5-9-002:058

LOCATION: Haena District, Island of Kauai,

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2006 JAN 17 A 11: 11
OFFICE OF CONSERVATION

PUBLIC HEARING: YES NO X

Please contact Dawn Hegger at 587-0380, should you have any questions on this matter. If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp.

( ) Comments Attached

(X) No Comments

Signature

1/12/2006
Date

AM11:39:15

Attachment(s)

DEC 29 '05

DLNR KDLO RCVD

LINDA LINGLE
GOVERNOR OF HAWAII

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2006 JAN 19 P 3: 35

PETER T. YOUNG
CHAIRPERSON
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OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

DEPT. OF LAND & NATURAL RESOURCES STATE OF HAWAII

REF:OCC:DH

CDUA: KA-3280

Acceptance Date: December 27, 2005
180-Day Exp. Date: June 25, 2006
SUSPENSE DATE: 21 Days from
stamped date DEC 27 2005

MEMORANDUM:

~~TO~~: Division of Forestry and Wildlife, Historic Preservation Division, Engineering Division, Kauai District Land Office, Commission on Water Resource Management, Division of Aquatic Resources, Division of Conservation and Resources Enforcement

FROM: D.H. for Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

RECEIVED OFFICE OF CONSERVATION 2006 JAN 10 A 11: 43

SUBJECT: CDUA KA-3280 for the Ochwat proposed Single Family Residence (SFR)

APPLICANT: Ben Welborn, Landmark Consulting Services, Inc., P.O. Box 915, Hanalei, Hawaii, 96714

TMKs: (4) 5-9-002:058

LOCATION: Haena District, Island of Kauai,

PUBLIC HEARING: YES NO X

Please contact Dawn Hegger at 587-0380, should you have any questions on this matter. If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp.

( ) Comments Attached

(✓) No Comments

Edwin T. Sabado
Signature

1/17/06
Date

Attachment(s)

LINDA LINGLE
GOVERNOR OF HAWAII

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

ROBERT K. MASUDA
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DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF:OCC:DH

CDUA: KA-3280

Acceptance Date: December 27, 2005
180-Day Exp. Date: June 25, 2006
SUSPENSE DATE: 21 Days from
stamped date DEC 27 2005

MEMORANDUM:

TO: Division of Forestry and Wildlife, Historic Preservation Division, Engineering Division, Kauai District Land Office, Commission on Water Resource Management, Division of Aquatic Resources, Division of Conservation and Resources Enforcement

FROM: D.H. for Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: CDUA KA-3280 for the Ochwat proposed Single Family Residence (SFR)

APPLICANT: Ben Welborn, Landmark Consulting Services, Inc., P.O. Box 915, Hanalei, Hawaii, 96714

TMKs: (4) 5-9-002:058

LOCATION: Haena District, Island of Kauai,

PUBLIC HEARING: YES NO X

Please contact Dawn Hegger at 587-0380, should you have any questions on this matter. If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp.

( ) Comments Attached

(X) No Comments

Attachment(s)

Paul J Conry
Signature
PAUL J. CONRY, ADMINISTRATOR
DIVISION OF FORESTRY AND WILDLIFE
Date
DEC 28 2005

54642

LINDA LINGLE
GOVERNOR OF HAWAII

GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186
E-mail: oeqc@health.state.hi.us

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OFFICE OF CONSERVATION AND COASTAL LANDS
2006 FEB 13 A 9:18
DEPT. OF LAND & NATURAL RESOURCES STATE OF HAWAII

February 6, 2006

Mr. Peter Young, Chair
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809

Dear Mr. Young:

Subject: Draft Environmental Assessment for the Ochwat Single Family Residence, Haena, Kauai

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

1. In exhibit 8, the surveyor indicated that the site is located in flood zone VE24. On page 9 & 10, the EA indicated that the site is in flood zone VE23. Please check the discrepancy.

2. Does the 27 foot house height exceed the county's building standard? Is a height variance required?

3. Please consult with the Department of Health concerning the individual septic system.

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

Sincerely,

Genevieve Salmonson
Director

c: Landmark
Ochwat

LANDMARK
CONSULTING

February 19, 2006

Mr. Peter Young, Chair
Department of Land & Natural Resources
P.O. Box 621
Honolulu, HI 96809

Re: Conservation District Use Application, CDUA KA-3280
Proposed Ochwat Single Family Residence
TMK (4) 5-9-02: 058, Ha`ena, Kaua`i
Comments on Draft Environmental Assessment

Dear Mr. Young,

This correspondence responds to a letter, dated February 6th, 2006 addressed to you from Genevieve Salmonson of the Office of Environmental Quality Control (OEQC) regarding the Draft EA for the above referenced project in Hae`na, Kaua`i. Following, immediately below, I address each of the OEQC's comments in turn.

1) In the Draft EA, there was a typographical discrepancy between sections of the text and an exhibit which was provided by the project civil engineer relating to the designated flood zone. I have reconfirmed with the engineer that the proposed residence will be located within Flood Zone VE 23. This is according to the engineer's certified interpretation of the Flood Insurance Rate Map (FIRM panel 1500020030 D, dated October 18, 2002). As such, the lowest horizontal structural member of the proposed residence will be elevated at or above 23 feet MSL. This is consistent with the text of the Draft EA. The corresponding Exhibit 8 of the DEA (see attached) has been revised to reflect the correct interpretation of the FIRM panel.

2) I have confirmed that the 27 foot height of the proposed residence does not require a County of Kauai zoning height variance or a County, Department of Public Works building height variance. The proposed height of the Ochwat residence is consistent with the County of Kauai Zoning Ordinance which allows for a maximum building height of 25 ft. **OR** MSL + 15 ft., whichever is greater.

3) Wastewater for the proposed Ochwat residence will be treated by an Individual Wastewater System (IWS). As a component of the County

Landmark Consulting Services Inc., P.O. Box 915, Hanalei HI. 96714, phone: 808.828.6332, fax: 808 828 6242 email: welborn@aloha.net

building permit process, prior to the commencement of construction an engineered plan for an Individual Wastewater System (IWS) will be submitted to the Dept. of Health for review and approval in accordance with the Department of Health's Administrative Rules, Chapter 11-62, for "Wastewater Systems".

The OEQC's comments and this response will be incorporated into the Final Environmental Assessment and will become a part of the public record associated with the CDUA for the project.

Sincerely,

Ben Welborn

cc: Genevieve Salmonson, Director, Office of Environmental Quality Control
Sam Lemmo, DLNR Office of Conservation and Coastal Lands