

# **FINAL ENVIRONMENTAL ASSESSMENT**

for the

**NATIONAL TROPICAL BOTANICAL GARDEN**

## **LIMAHULI HALE**

TMK (4) 5-9-006: 12

**Hā'ena, Kaua'i, Hawai'i**

This document prepared pursuant to Chapter 343, HRS

Prepared by  
The National Tropical Botanical Garden, Conservation Department

**February 2008**



*Limahuli Hale, TMK (4) 5-9-006: 12*

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## **I. INTRODUCTION: FINAL ENVIRONMENTAL ASSESSMENT**

**Project Name:** Use of TMK 5-9-006:12 as part of Limahuli Garden and Preserve Master Plan for Limahuli Hale

**Proposing Agency:** National Tropical Botanical Garden (NTBG)

**Approving Agency:** State Department of Land and Natural Resources (DLNR)

**Project Location:** Limahuli Valley  
District: Hanalei ; Ahupua`a: Hā`ena  
  
TMK (4) 5-9-006: 12

**Property Owner:** National Tropical Botanical Garden

**LU Classification:** Conservation, Special Subzone, Limahuli Valley Special Subzone

### **Anticipated Determination of Environmental Assessment:**

A Finding of No Significant Impact (FONSI) is expected for the project.

## **II. SUMMARY OF PROPOSED ACTIONS**

### **A. Project Purpose and Need**

#### **Introduction**

The National Tropical Botanical Garden (NTBG), a non-profit 501-c3, operates the Limahuli Garden and Preserve as a nature preserve and botanical garden. Permission for these activities was granted under Conservation District Use Permit (CDUP) KA-2656 and KA-2532. On August 12, 1992, the BLNR approved NTBG's CDUA KA-2532 to create the Limahuli Valley Special Subzone. On November 19, 1993, the BLNR approved CDUA KA-2656 to develop and operate Limahuli Garden and Preserve as identified in the 1991 Master Plan. The 1991 Master Plan for Limahuli Garden and Preserve, which was accepted by DLNR in 1993, included plans for the development of additional physical facilities to house educational, administrative, visitor, security, and maintenance functions.

A unique opportunity to meet this need for office space was introduced when NTBG purchased the Single Family Residence (SFR) at 5-8301 Kuhio Hwy. in 1999. (Exhibits 3 and 4). The property, identified as TMK (4) 5-9-006: 12 is also referred to in some documents as 'Lot 137'. The SFR located on the parcel was approved under CDUP KA-2062. The building was originally known as the 'Dunn House', but in recent years been called 'Limahuli Hale'. The existing SFR structure built by the previous owner is sufficient and uniquely situated to

fulfill many of the Physical Facility development objectives put forth in the original 1991 Limahuli Garden and Preserve Master Plan and was thus included as a multifunction facility in the 2007 update of the Master Plan which was filed with OCCL in September 2007 (NTBG, Master Plan for Limahuli Garden and Preserve, 2007).

The following sections containing the **Official Statement of Purpose** and **Establishment Management Plan Objectives** for Limahuli garden and Preserve has been taken verbatim from the original 1991 Master Plan for Limahuli Garden and Preserve (page 17-20) (NTBG, Master Plan for Limahuli Garden and Preserve, 1991). It demonstrates how the Limahuli Hale will be utilized in the furtherance of the mission and objectives of the NTBG, the Master Plan for Limahuli Garden and Preserve, and in a manner that will benefit the people, preserve Hawaiian culture, and conserve the natural heritage of Hawai'i.

### **Official Statement of Purpose**

The basic foundations of this Master Plan are found in two official statements of purposes. These are the NTBG's 1964 Congressional Charter, and the NTBG's 1989 Statement of Purposes for Limahuli Gardens and Preserve.

In 1964, the 88th Congress of the United States recognized the need to conserve and protect the tropical plant resources of the world, especially the threatened and endangered species. To help meet this goal, the 88th Congress passed Public Law 88-449, *An Act to Charter by Act of Congress the Pacific Tropical Botanical Garden*, which established the National Tropical Botanical Garden (then known as the Pacific Tropical Botanical Garden) as a non-profit organization with the following purposes:

- (a) to establish, develop, operate, and maintain for the benefit of the people of the United States an educational and scientific center in the form of a tropical botanical garden or gardens, together with such facilities as libraries, herbaria, laboratories, and museums which are appropriate and necessary for encouraging and conducting research in basic and applied tropical botany;*
- (b) to foster and encourage fundamental research with respect to tropical plant life and to encourage research and study of the uses of tropical flora in agriculture, forestry, horticulture, medicine, and other sciences;*
- (c) to disseminate through publications and other media the knowledge acquired at the gardens relative to basic and applied tropical botany;*
- (d) to collect and cultivate tropical flora of every nature and origin and to preserve for the people of the United States species of tropical plant life threatened with extinction;*
- (e) to provide a beneficial facility which will contribute to the education, instruction and recreation of the people of the United States.*

In its effort to fulfill the objectives of its Congressional Charter, the NTBG has acquired three satellite gardens. These are, Kahanu Gardens on Maui, Kampong Gardens in Florida, and Limahuli Gardens in Hā'ena, Kaua'i. On September 20, 1989, the Board of Trustees of the National Tropical Botanical Garden adopted separate statements of purposes

for each of these three gardens. The following is the official Statement of Purposes for Limahuli Gardens and Preserve.

*The Limahuli Gardens and Preserve was added to the National Tropical Botanical Garden to enhance the Garden's ability to fulfill the purposes set forth in its Congressional Charter of August 19, 1964 by providing a satellite garden and preserve with the following primary functions:*

- A) to maintain for the purposes of research and education a garden of approximately 15-20 acres devoted to the cultivation of plants native to the Hawaiian Mesophytic and Lowland Rain Forests, especially rare and endangered species; varieties of Hawaiian ethnobotanical plants (such as taro, banana, olona, etc.) and other plants capable of growing in the garden's environment;*
  - B) to maintain for purposes of research and education a natural area of approximately 985 acres for the preservation of the flora and fauna native to the area;*
  - C) to provide a beneficial facility which will contribute to the education, instruction and recreation of the people of the United States and instruct them of the purposes of this site and the National Tropical Botanical Garden in its entirety.*
- 4. To use Limahuli Valley as an educational tool that will provide the public with a better understanding of the natural and cultural history of Hawai'i and the impact that humans have had on Hawai'i's environment.*
  - 5. To protect and preserve the aquatic environment of Limahuli Stream, and to use Limahuli Stream to educate the public about the fragility and importance of Hawai'i's natural resources.*
  - 6. To protect, preserve and stabilize the ancient Hawaiian archaeological sites located throughout Limahuli Valley, and to make these sites available for study by qualified professionals so that they may provide a better understanding of the time-frames, extent and uses of the area by the ancient Hawaiians.*
  - 7. To use Limahuli Gardens and Lower Limahuli Preserve to provide the public with recreational opportunities in appropriate intensities of use as to protect and to preserve the environment and scenic value of Limahuli Valley.<sup>1</sup>*

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<sup>1</sup> Recreational opportunities will normally be limited to walking and hiking tours of the garden and preserve.

## **The Establishment of Master Plan Objectives**

With the basic direction having been set forth in the NTBG's Congressional Charter and Statement of Purposes for Limahuli Gardens, the next step in the development of this Master Plan's foundation was the establishment of the Master Plan Objectives. These Objectives are quite broad in nature and emphasize the desire of the NTBG to not only utilize the area for its botanical value but also to preserve, protect, and (when possible) improve the natural and cultural resources of Limahuli Valley. The NTBG realizes that responsible management of these resources will greatly enhance Limahuli's value as an educational resource and the NTBG's ability to foster scientific research in fields other than botany and horticulture.

The establishment of these Objectives has been a cooperative effort. The process initially involved outlining the objectives used by Mrs. Juliet Wichman in her management of the valley from 1967 to 1976. The NTBG then solicited input from its trustees, staff, visitors, and environmental consultants, as well as from public education instructors, Hawaiian culture experts, and concerned members of the community. All of this input was then synthesized into the following Objectives:

### **Master Plan Objectives**

1. *To protect, preserve and improve the environment and scenic value, as well as the natural and cultural resources of Limahuli Valley for future generations.*
2. *To develop and maintain a botanical garden as described in the section A) of the Statement of Purposes for Limahuli Gardens and Preserve.*
3. *To maintain two natural-area preserves dedicated to the preservation and restoration where possible of the existing ecosystems.*

- NTBG, Master Plan for Limahuli Garden and Preserve, 1991

### **Limahuli Hale as an NTBG Facility**

The conversion of the Limahuli Hale to an administrative, education and tool storage facility will be pursuant to the objectives stated in the 1991 Master Plan, page 41 and 42, under the heading "Infrastructure Associated with the Administration of the Garden Area and Preserve", as follows:

"This will consist of an office building from which all operations in the Gardens and preserve can be administered. This facility will also include electrical, telephone, and County water utilities, as well as a toilet facility, and a parking area for the administrative staff (estimated size 900 sq. ft.)" (page 41) (NTBG, Master Plan for Limahuli Garden and Preserve, 1991).

and "Infrastructure Associated with the Maintenance of the Garden Area", as follows:

"1. A tool house/maintenance complex that will room for educational lectures and staff meetings. This facility will also include parking for maintenance staff (estimated to

include 1,200 sq. ft. of covered area)” (page 42) (NTBG, Master Plan for Limahuli Garden and Preserve, 1991).

and, “Infrastructure Associated with the Security of the Garden Area and Preserve”, as follows:

“2. A small 2-bedroom cottage and parking area for a live-in caretaker providing 24 hour-a-day security for the grounds. This facility will also include electrical, telephone, gas, and County water utilities (estimated size 1,500 sq. ft.)” (page 42) (NTBG, Master Plan for Limahuli Garden and Preserve, 1991).

Each of these identified uses were reiterated in the 2007 Revisions to the Master Plan for Limahuli Garden and Preserve (page 22-24) (NTBG, Master Plan for Limahuli Garden and Preserve, 2007).

Under the current proposal, Limahuli Hale would serve as a multifunctional building including office space for Limahuli’s administrative and managerial staff, education space for school groups and community lectures, storage for archives, offices supplies and tools, nursery area for growing plants, and also as short-term housing for visiting researchers and educational/volunteer groups participating in Garden programs. Combine areas for tool and equipment storage, propagation activities, an adjacent outdoor nursery, staff restroom, and a large

## **B. Project Description and Location**

### **Project Location**

Limahuli Hale is located in Limahuli Valley, in the ahupua`a of Hā`ena, on the northern shore of Kaua`i (Exhibit 1). This parcel is sometimes referred to as Lot 137 and identified as TMK (4) 5-9-006: 12. The street address is 5-8301 Kuhio Highway. The property is bounded on the west by Limahuli Stream, on the north by Kuhio Highway, by the east by the unpaved P-1 access road (owned by NTBG), and on the south by Lot 138, a vacant lot owned by Ira Goldberg. The property also borders the ‘cold pond’, a large, deep pool in Limahuli Stream directly upstream of the Kuhio Highway bridge that is frequented by area residents (Exhibit 5 and 6).

### **Project Description**

The project will consist of the converting the function of the Limahuli Hale from that of a residence to that of an multipurpose building housing an administrative office, educational center, and tool storage facility for Limahuli Garden and Preserve. In order for this use of the building to be in accordance with Hawaii Revised Statutes 13-5, NTBG is requesting a change in use for the building via a DLNR Board Permit.

The actual conversion ‘project’ will physically consist of altering furniture configurations and outfitting several offices with desks, computers, and bookshelves. Bunk beds currently used in the SFR will provide accommodations for visiting scientist or volunteer groups. These groups are infrequent (6 per year) and normally range from 1 to 8

people. The outside covered area underneath the back deck will be used as a tool storage facility.

No changes to the structures interior construction are planned under this change of use. No changes to the structures sewer or electrical utilities are planned under this change of use. The current parking area fronting the SFR will serve as employees parking for NTBG employees once this CDUA is approved.

Under this proposal, part of the backyard (2,000 sq. ft.) of TMK (4) 5-9-006 will be utilized as a native plant nursery to produce plants for conservation and education programs at Limahuli. The nursery will consist of a pipe-framed tent (Qwik-tent type) for shade, basic overhead irrigation, and a small (max 100 sq. ft.) plywood potting shed enclosed on 3 sides. Construction of this facility and associated infrastructure will not cause soil disturbance.

### **C. Schedule**

The NTBG will immediately implement the use of the building for the uses described in this document. All of the furniture and supplies needed to implement the project are readily available on Kaua`i. Once the CDUP is issued, the use of the Hale as an NTBG facility will begin within 2 weeks. It is our desire that this be as soon as possible.

### **D. Funding Sources**

The National tropical Botanical Garden currently owns the property. The conversion of the building to its new use is being funded entirely by the NTBG.

## **III. SUMMARY DESCRIPTION OF THE AFFECTED ENVIRONMENT**

### **A. General**

Hā`ena is a small rural community with no services. Except for one sleepy coffee shop and restaurant that is part of a resort 2 miles away, there is very little in the way of commerce in this part of Hawai`i. The nearest town with services is Hanalei, 12 miles away. Hundreds of visitors pass by Limahuli Hale every day on there way to Hā`ena State Park and the Na Pali Coast. Several large estates are located between Kuhio Highway and the ocean. The Hā`ena State Park borders NTBG property along its northwest boundary. The main attractions long this last stretch of Hawaii are Ke`e Beach at Hā`ena State Park, the beginning of the Na Pali Coast trail and State Park, and Limahuli Garden (Exhibit 5 and 6).

TMK (4) 5-9-006 is located on at the 'mouth' of the 1,005 acre Limahuli Valley, which is owned by the NTBG and managed as a 17 acre botanical garden, and 988 acre nature preserve. TMK (4) 5-9-006 and the Limahuli Hale are situated within the transitional zone between the interior forests of Limahuli Valley and the somewhat different vegetation types of the Hā`ena coastal plain. South of Limahuli Highway, Limahuli Valley is characterized by alien lowland forest dominated by species such as octopus tree (*Schefflera actinophylla*), Java plum (*Syzigium cumini*), and common guava (*Psidium guajava*). North of Kuhio Highway this interior forest transitions into alien forest dominated by Indian almond (*Terminalia cattapa*), ironwood (*Casuarina equisetifolia*), and Java plum (Exhibit 7).

## B. Flora

The flora present on TMK (4) 5-9-006 consists of lawns, tropical ornamental species, and various types of palm trees (Exhibit "Lot 137 Landscape Plan"). Bordering Limahuli stream is a well established corridor of dense riparian forest dominated by Java plum and Octopus tree. Although not native, this vegetation provides a crucial buffer to surface runoff and is crucial to the stability of the stream banks. There are no State or Federal Listed Threatened or Endangered Species found on the site. The nursery located here has a wide selection of native species that are used for NTBG restoration projects. These occasionally include endangered species, but they are not technically a part of the flora of TMK (4) 5-9-006.

Very little remains to indicate what native vegetation might have been like on TMK (4) 5-9-006 prior to human alteration. Exposure to the tradewinds and the varying degrees of slope found in this area cause much of the rainfall to either run off or it is dried out by the wind. This has resulted in the development of two overlapping ecosystems, which botanists have termed the "Mixed Mesophytic Forest" and the "Lowland Rain Forest" (Wagner et al. 1985). The more exposed and steep areas have developed into the drier Mixed Mesophytic type of vegetation, while the more protected, flat areas have developed into the Lowland Rain Forest type of vegetation.

The 1991 Master Plan for Limahuli Garden and Preserve provides a wider perspective on vegetation in the area. Prior to intensive landscaping efforts began using natives species, the area that is now Limahuli Garden was practically devoid of native vegetation.

"This was the result of several different environmental pressures on the original ecosystems. The first of these pressures was caused by the ancient Hawaiians who cleared the original native forest to make room for their crops. Sometime in the 1800s, the Hawaiians stopped cultivating the area and cattle were introduced. The cattle ate and damaged the existing native vegetation, while trampling on the ancient Hawaiian archaeological sites located throughout this area. The impact of the cattle, combined with the ever-increasing number of aggressive alien plants, made it impossible for the native plants to revegetate the areas originally cleared by the ancient Hawaiians. When the cattle were removed in 1967, the area they had grazed down was quickly overrun by aggressive alien plants and, within a few years, the alien plants had become a dominate part of the Garden Area. Several botanical surveys between 1977 and 1990 have revealed that less than 5% of the vegetation in this area is native." (page 24) (NTBG, Master Plan for Master Plan for Limahuli Garden and Preserve, 1991).

## C. Fauna

Faunal communities in the project area are alien dominated. Avian species commonly encountered are all introduced species common to lowland area across Hawai'i. These include Japanese white-eye (*Zosterops japonicus*), common myna (*Acridotheres tristis*), wild jungle fowl (*Gallus gallus*), red-crested cardinal (*Paroaria coronata*), and house sparrow (*Passer domesticus*). No State or Federal Listed Threatened or Endangered species inhabit or utilize the area of Lot 137. Limahuli Stream contains native stream fish known as o'opu and other native stream organisms.

#### **D. Cultural Resources:**

The previous owners of TMK (4) 5-9-006-012, the Dunn Family, conducted an archaeological survey and sub-surface testing on TMK (4) 5-9-006-012 and prepared an Environmental Assessment as part of their efforts to acquire CDUP-KA 2062 which allowed them to construct a home and use TMK (4) 5-9-006-012 as a SFR.

The archaeological survey conducted by Joseph Kennedy for CDUP KA-2062 documents remains of lo`i kalo on the property. Any features not damaged during construction of the SFR by the previous owner have been preserved by the NTBG and we have no plans to alter the site in the future.

Limahuli Hale has become a location for cultural practitioners to meet and plan for the preservation of the cultural resources in Hā`ena including the near-shore fishery. The proposed use of the subject property will this uphold traditional and customary rights of native Hawaiians.

The 1991 Master Plan for Limahuli Garden and Preserve also established an Archaeological Preservation Program. This program will seek to identify, stabilize, preserve and protect the archaeological features, which are part of site 50-30-02-1005, located within Limahuli Gardens. This program will be conducted by the NTBG's staff following the recommendations of a qualified archaeologist.

To provide a wider perspective on the cultural and historical significance Limahuli Valley and the greater Hā`ena area, the following publications have been produced:

- 1) An extensive and revealing oral history of the area was recorded by Kumu Pono Associates in 2003. "Hana ka lima, `ai ka waha" A Collection of Historical Accounts and Oral History Interviews with Kama`aina Residents and Fisher-people of Lands in the Halele`a-Na Pali Region on the Island of Kaua`i. K. Maly, 2003.
- 2) Archaeological Sites of Limahuli Lower Valley were surveyed and described in 1990 in Patolo, T and P.L. Cleghorn, 1990. Archaeological mapping and reconnaissance survey in Lower Limahuli Valley, Hā`ena, Kaua`i. Public Archaeology Section, Applied Research Group, Bishop Museum, Honolulu. (unpublished).
- 3) Earlier investigation of Limahuli Valley include 2 reports by Joseph Kennedy. Kennedy, J. 1987. "Archaeological Investigations at Limahuli, Island of Kaua`i (TMK 5-9-03:8)", and Kennedy, J. 1988. Report Concerning Archaeological Survey and Testing at Limahuli, Kaua`i". Both are on file with the State Historic Preservation Office, Honolulu.
- 4) "Inventory of Limahuli Valley" 2000. Scientific Consultant Services, Inc., 711 Kapi`olani Boulevard, Suite 975 Honolulu, Hawaii 96813

### **E. Sensitive Habitat**

There are no Critical Habitats or wetlands located on TMK (4) 5-9-006. The riparian vegetation along the bank of Limahuli Stream is important to maintaining cool water temperatures for native fish species and reducing erosion.

### **F. Other Uses**

There are no other uses for TMK (4) 5-9-006 than those described herein.

## IV. SUMMARY OF MAJOR IMPACTS

### A. Positive Impacts

**Efficient Operations of Limahuli Garden and Preserve.** Perhaps the most valuable impact from the proposed use is the efficient operation of Limahuli Garden and Preserve. The location of TMK (4) 5-9-006: 12 in relation to LG&P is ideal as it is located adjacent to Kuhio Highway making access easy for staff and the public this location improves the security of the Garden.

**No New Construction Needed.** The use of the existing SFR on the property will mean that NTBG does not need to undertake any new construction in order to use this property for the proposed uses described in this document. From both a cost and environmental impact this is a very important benefit.

**Community Access for Meetings.** Thirdly, the proposed use will provide an important facility where community can meet to discuss issues of importance. Over the past eight years countless community meeting have been held here by community groups. There is no comparable facility for the Hā'ena/Wainiha community which makes this a very strong positive benefit.

**Increased Security and Public Welfare.** The establishment of TMK (4) 5-9-006: 12 as part of Limahuli Garden and Preserve will increase the public's welfare and safety by creating a presence close to the end of the road in Hā'ena. On several occasions visitors to the area have come to Limahuli Hale to call rescue fire-rescue personal or to report thefts to their vehicles in Hā'ena State Park.

**Increased Support for Endangered Species Conservation.** The proposed use of the SFR will allow NTBG to house conservation programs which will protect and restore habitat for 12 Federally Listed plant species and 2 Federally Listed bird species, in addition to numerous scientific research programs.

**Increased Support for Scientific Research.** The proposed use of the SFR will allow NTBG to house researchers who wish to conduct field work in this area. NTBG works closely with the Hawaii Stream Research Center at the Center for Conservation Research and Training in the UH, Stanford University, State Parks archaeologists, the Coral Reef Assessment and Monitoring Program (CRAMP), and many other scientists who need to conduct field work in this area. Providing housing to these researchers at no cost is a significant positive impact

### B. Negative Impacts

The NTBG realizes that while there are many positive aspects of the proposed use of TMK (4) 5-9-006: 12 there could also be potential negative impacts that could occur through its use. The possible impacts that could result from the proposed use are listed below. No significant impacts are anticipated as result of the change, largely due to the fact that the

proposed use “types” and “patterns” will not be more intensive than what occurred under the prior owner’s use of the property as a Single Family Residence.

**Limahuli Stream.** No construction activities or changes in landscape management are associated with the change of use for TMK (4) 5-9-006: 12, therefore no environmental impacts to the stream are anticipated.

**Archaeological sites.** No construction activities or changes in landscape management are associated with the change of use for TMK (4) 5-9-006: 12, therefore no environmental impacts to the archaeological sites are anticipated.

**Noise.** The change of use for TMK (4) 5-9-006: 12 is not anticipated to have any significant impact on the noise level.

**Air quality.** The change of use for TMK (4) 5-9-006: 12 is not anticipated to have any significant impact on air quality.

**Compatibility with the surrounding environment.** The change of use for TMK (4) 5-9-006: 12 is anticipated to be completely compatible with the surrounding environment.

**Public services.** The change of use for TMK (4) 5-9-006: 12 is not anticipated to have any significant impact on any public services provided by the State or County governments. The only potential impact in this area could come from parking and traffic flow and this will be addressed below.

## V. PROPOSED MITIGATION MEASURES

**Public services.** Mitigation measures have been identified for three possible impacts listed below. Potential impacts that will be avoided or mitigated are:

1. Traffic congestion on Kuhio Highway, especially in the area of the Cold Pond, could be an issue if Limahuli staff park along Kuhio Highway. By providing a safe entrance and exit from the Gardens (already existing), as well as adequate on-site parking for Limahuli staff and visitor (already existing), the NTBG will **avoid** having any impact on the traffic using Kuhio Highway.

**Limahuli Stream.** The NTBG currently has a scientific research and monitoring program for Limahuli Stream. Although no impacts are anticipated to the stream as a result of the proposal, this program would serve as an ‘early warning’ system for any potential problems with Limahuli Stream.

**Archaeological sites.** The 1991 Master Plan for Limahuli Garden and Preserve established the Archaeological Preservation Program. This program seeks to identify, stabilize, preserve and protect the archaeological features, which are part of site 50-30-02-1005, located within Limahuli Gardens (Exhibit 11). Although no impacts are anticipated to archaeological features as a result of the proposal, this program would serve as a monitoring and prevention system for

any potential impacts to archaeological features.

## **VI. ALTERNATIVES CONSIDERED**

### **A. Alternative: No Action**

Under this alternative, the educational and administrative staff of Limahuli Garden will continue to have extremely limited office space and no indoor space will exist for educational and scientific programs. The scope and efficacy of these efforts will continue to be limited by the lack of physical space for offices and storage of program supplies.

### **B. Alternative: Future Construction of a New Facility**

Under this alternative, a new facility would be designed and constructed at great expense. The project would necessarily involve a number of environmental disturbances such as removal of vegetation, grading, septic system development, and an increase in impermeable surfaces. As opposed to the proposed conversion of the Limahuli Hale, the construction of a new facility would involve the commitment of additional natural resources in the form of building materials and energy. New construction would also have the standard regime of temporary impacts, such as noise, dust, and increased traffic.

## **VII. ANTICIPATED DETERMINATION**

Based on the assessment above we conclude that the conversion of TMK (4) 5-9-006: 12 to the proposed uses including the SFR structure as an administrative building, education and tool storage facility will not have any significant adverse impacts on the environment. Quite the opposite, the conservation, and education uses of the building will have numerous significant positive effects that are in keeping with the goals of the Limahuli Valley Special Subzone which underwent an extensive multi-year public review during its permitting process.. Therefore, we anticipate a 'Finding of No Significant Impact' (FONSI).

## **VIII. FINDINGS AND REASONS SUPPORTING THE DETERMINATION**

The environmental impacts of the conversion of TMK (4) 5-9-006: 12 to an administrative building, education and tool storage facility have been evaluated in relation to the thirteen significance criteria listed in the Guidebook for the State Environmental Review Process. The criteria and the effects this project will have are listed:

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

Rather than destroy natural or cultural resources, this project will lead to greater protection and management of natural resources, pursuant to the Mission Statement of the NTBG and the Master Plan for Limahuli Garden and Preserve.

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

This project will strengthen rather than curtail those functions. Possible educational, cultural, and scientific uses will be enhanced by the completion of the project.

**3. Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revision thereof and amendments thereto, court decisions, or executive orders.**

The project complies with the state's long-term environmental policies and goals that promote understanding and protection of Hawai'i's natural resources. Therefore, this project does not conflict with the state's long-term environmental policies or goals.

**4. Substantially affects the economic, social welfare, and cultural practices of the community or state.**

The project will not negatively impact either the economic or the social welfare, nor the cultural practices of the community or state. The permitted use of TMK (4) 5-9-006: 12 as part of Limahuli Garden and Preserve will increase the public's welfare and safety by creating a presence close to the end of the road in Hā'ena.

A key part of the mission of Limahuli Garden and Preserve is to perpetuate traditional cultural knowledge. As a result, Limahuli has developed strong relationships with cultural practitioners in the Hawaiian community and has an open door policy for cultural practitioners wanting to access to resources within Limahuli Garden and Preserve. The proposed use of TMK (4) 5-9-006-012 as an administration headquarters for Limahuli Garden and Preserve will thus enhance the perpetuation of Hawaiian culture.

**5. Substantially affects public health.**

This project will not substantially impact public health.

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

No impacts on population or public facilities are expected.

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

This project will cause no degradation of environmental quality.

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

This project will have a positive effect on the environment and will not involve a commitment to larger actions. It is designed to significantly support ongoing and future

management Limahuli Garden and Preserve.

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

The proposed project will not adversely impact any endangered species or its habitat.

**10. Detrimentially affect air or water quality or ambient noise levels.**

No increase in noise level is expected.

**11. Affects or is likely to suffer damage by being located in an environmentally sensitive area such as flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, and estuary, freshwater, or coastal waters.**

This project is located in an upland area and will not detrimentally affect any coastal areas or other bodies of water. The project will not negatively affect an environmentally sensitive area or damage a flood plain, tsunami zone, beach, erosion-prone area, or geologically hazardous land.

**12. Substantially affect scenic vistas and view planes in county or state plans or studies.**

The project area has not been identified as a scenic vista or view plane. No change in landscaping or building dimensions are planned, so no impact is expected in to views or plans.

**13. Requires substantial energy consumption.**

No additional energy consumption is expected as a result of this project.

**IX. EA PREPARATION**

This Environmental Assessment was prepared by the National Tropical Botanical Garden, Conservation Department.

The EA is being prepared primarily by:

National Tropical Botanical Garden  
3530 Papalina Rd.  
Kalaheo, HI 96741

**X. REFERENCES CITED**

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Cuddihy, Linda and Charles P. Stone. 1990. Alteration of native Hawaiian vegetation; Effects of humans, their activities and introductions. University of Hawaii Cooperative National Park Resources Studies Unit. Honolulu, Hawaii. 138 pp.

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NTBG. 2007. Master Plan for Limahuli Garden and Preserve. Approved by the NTBG Board of Trustees, October, 1990, Revised per Community and State Concerns. April, 1991, Updated to Include New Property and Upper Limahuli Preserve Issues, June, 2007. Approved as part of CDUP KA-2656. On file with OCCL and NTBG.

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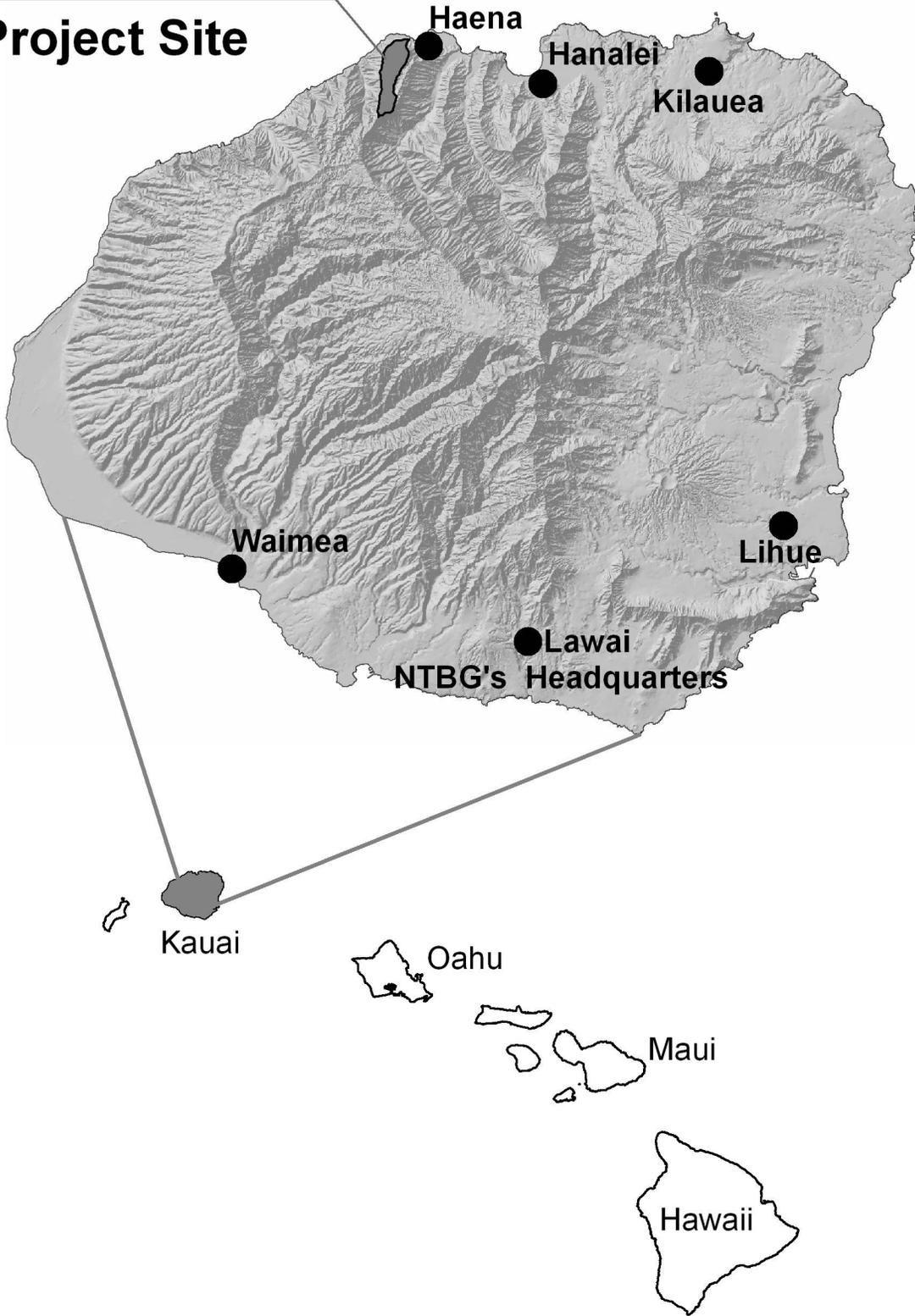
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# *APPENDICES*

# Limahuli Valley Project Site



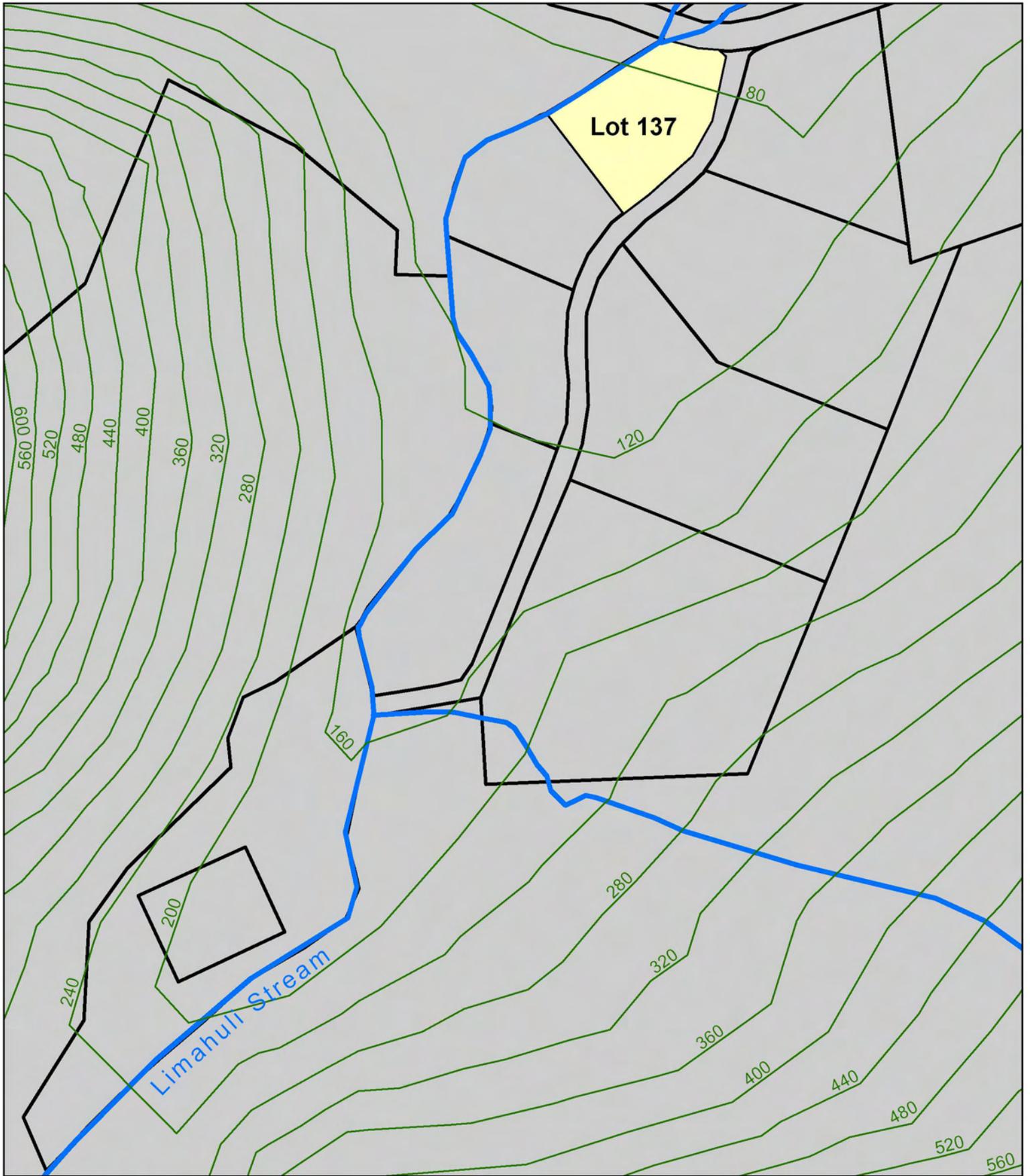
## EXHIBIT 1 Location Map

Limahuli Garden & Preserve  
National Tropical Botanical Garden



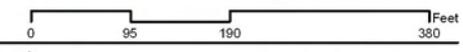
Map Prepared by: NTBG, GIS Specialist,  
Lori Terry-Bender. Map Date: May 2007.  
Data Source: June 2005 Kauai TMK.





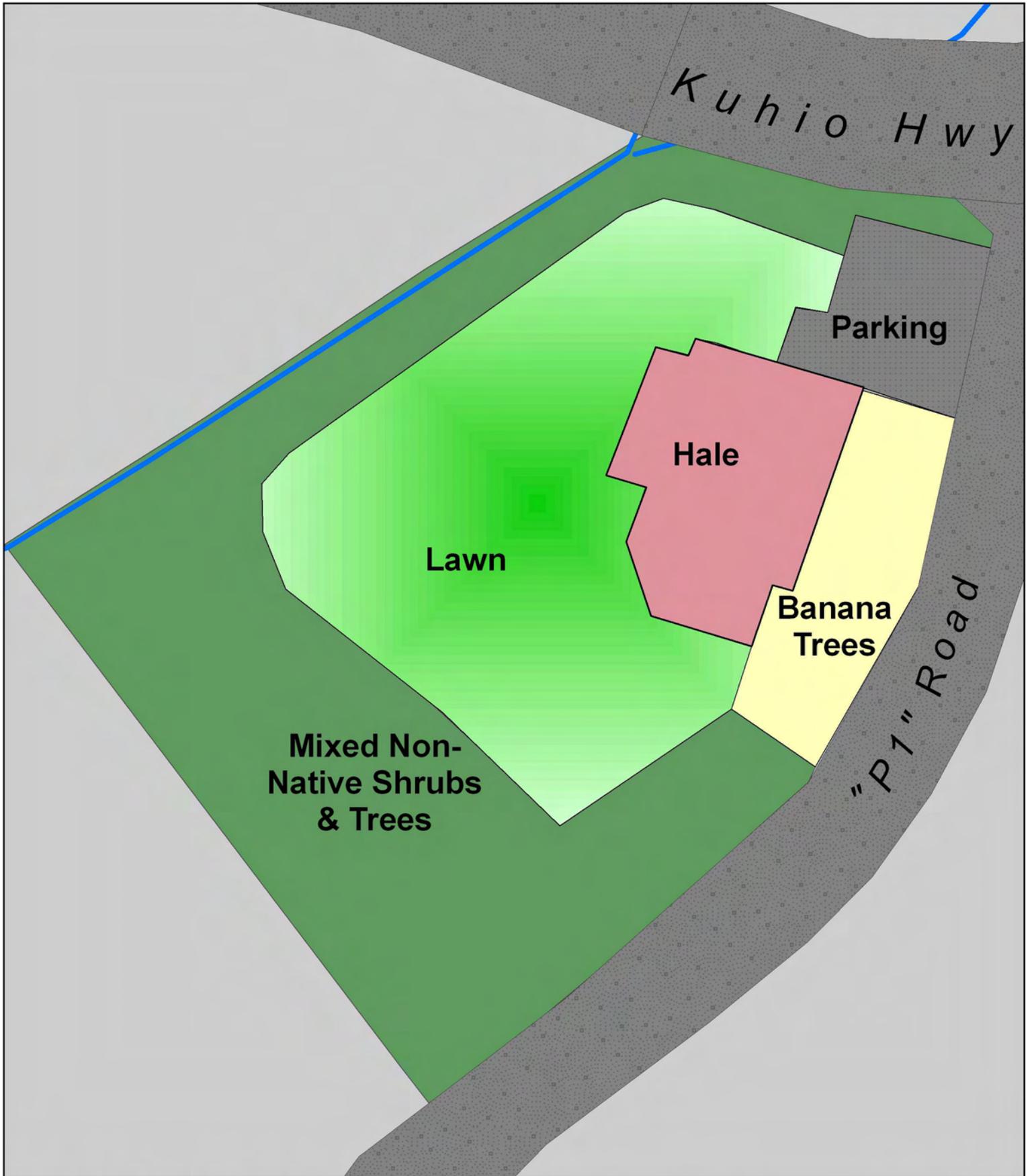
# Lot 137 Topography Map

Limahuli Garden & Preserve  
National Tropical Botanical Garden



Map Prepared by: NTBG, GIS Specialist,  
Lori Terry-Bender. Map Date: Sept 2007.  
Data Source: June 2005 Kauai TMK





# Lot 137 Landscape Plan

Limahuli Garden & Preserve  
National Tropical Botanical Garden

0 15 30 60 Feet

Map Prepared by: NTBG, GIS Specialist,  
Lori Terry-Bender. Map Date: Sept 2007.  
Data Source: June 2005 Kauai TMK



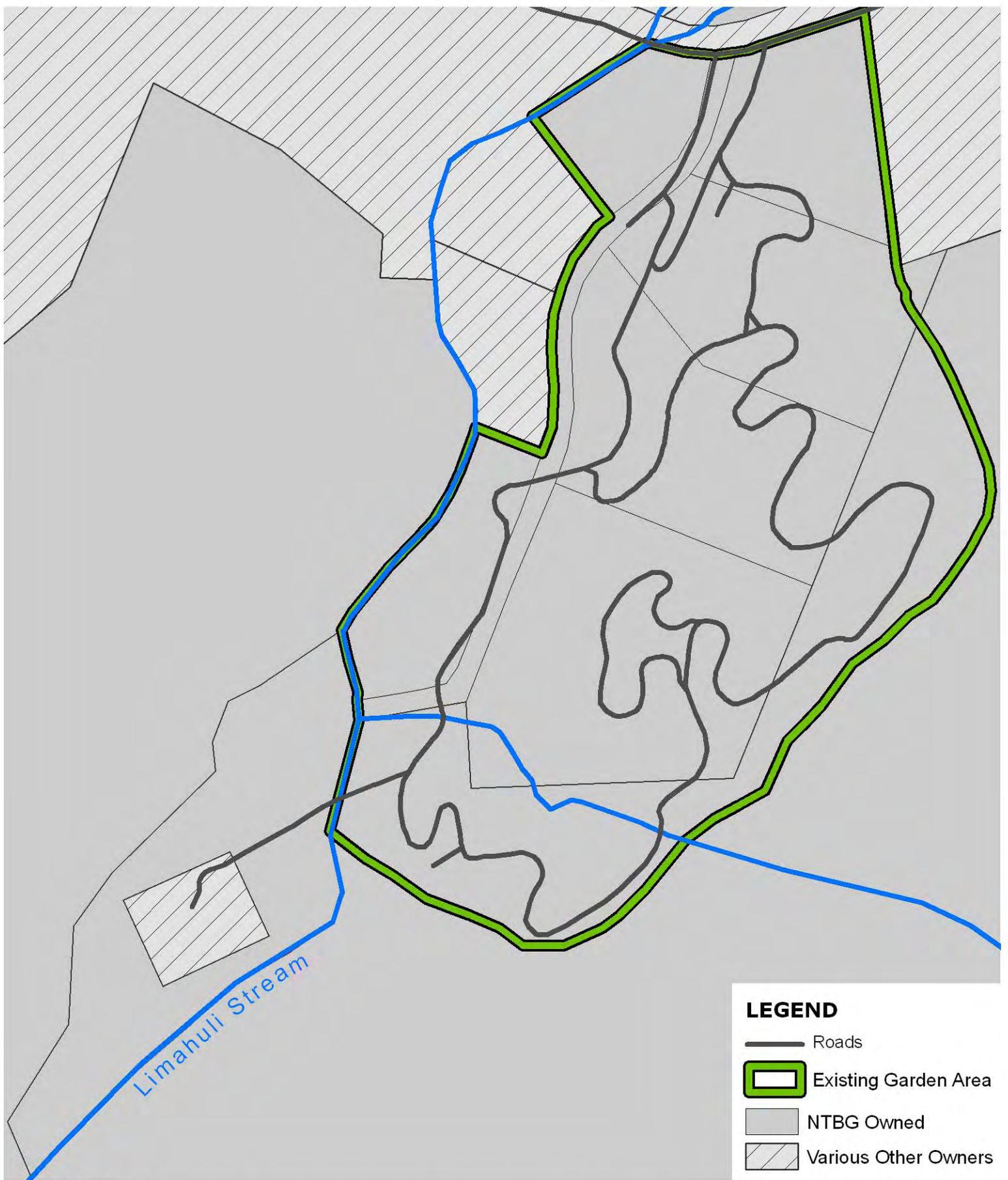
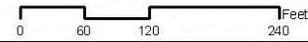


EXHIBIT 3

# Existing Garden Area-2007

Limahuli Garden & Preserve  
National Tropical Botanical Garden



Map Prepared by: NTBG, GIS Specialist,  
Lori Terry-Bender, Map Date: May 2007,  
Data Source: June 2005 Kauai TMK.



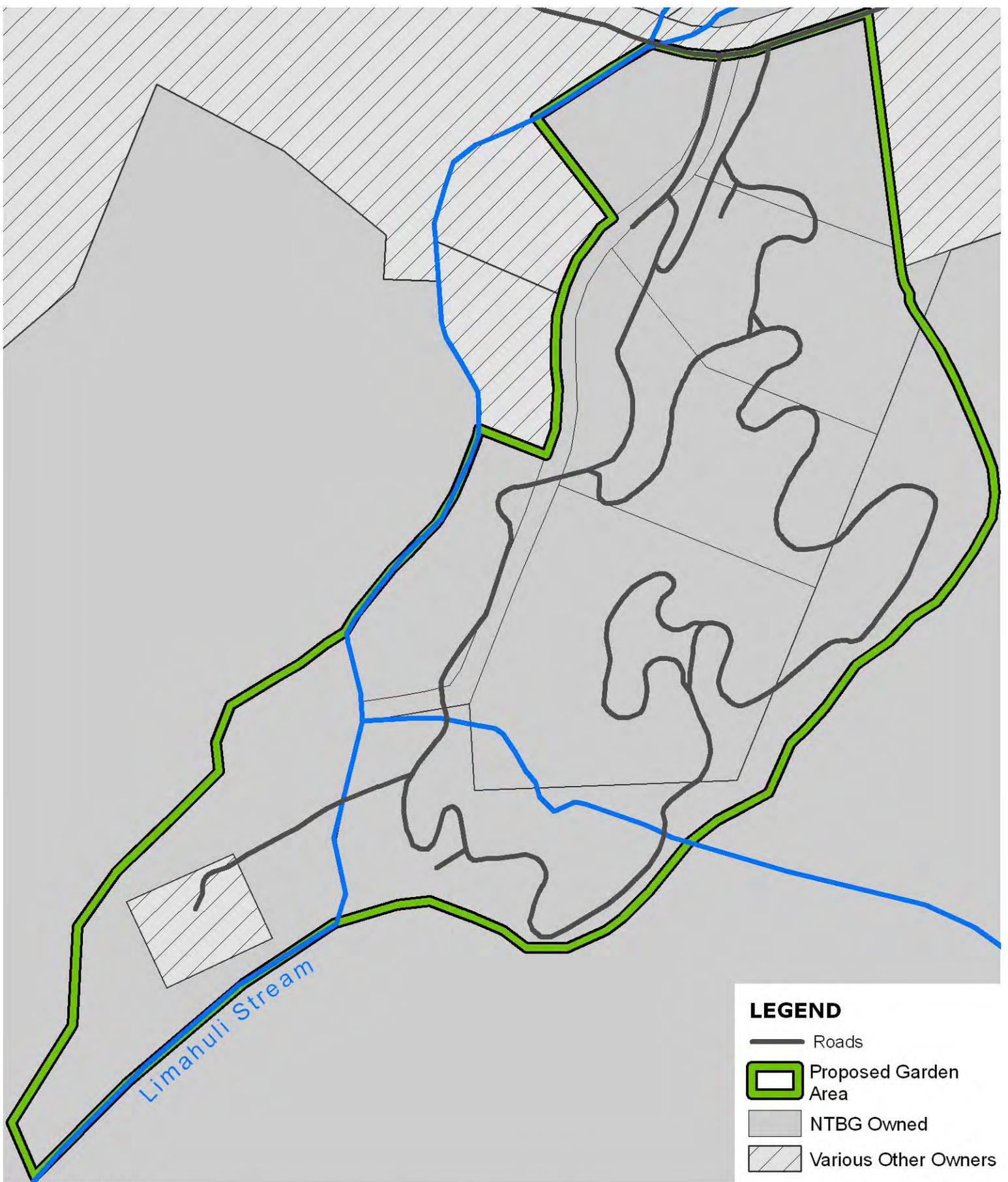


EXHIBIT 4

# Proposed Garden Area-1991

Limahuli Garden & Preserve  
National Tropical Botanical Garden



Map Prepared by: NTBG, GIS Specialist,  
Lori Terry-Bender, Map Date: May 2007,  
Data Source: June 2005 Kauai TMK



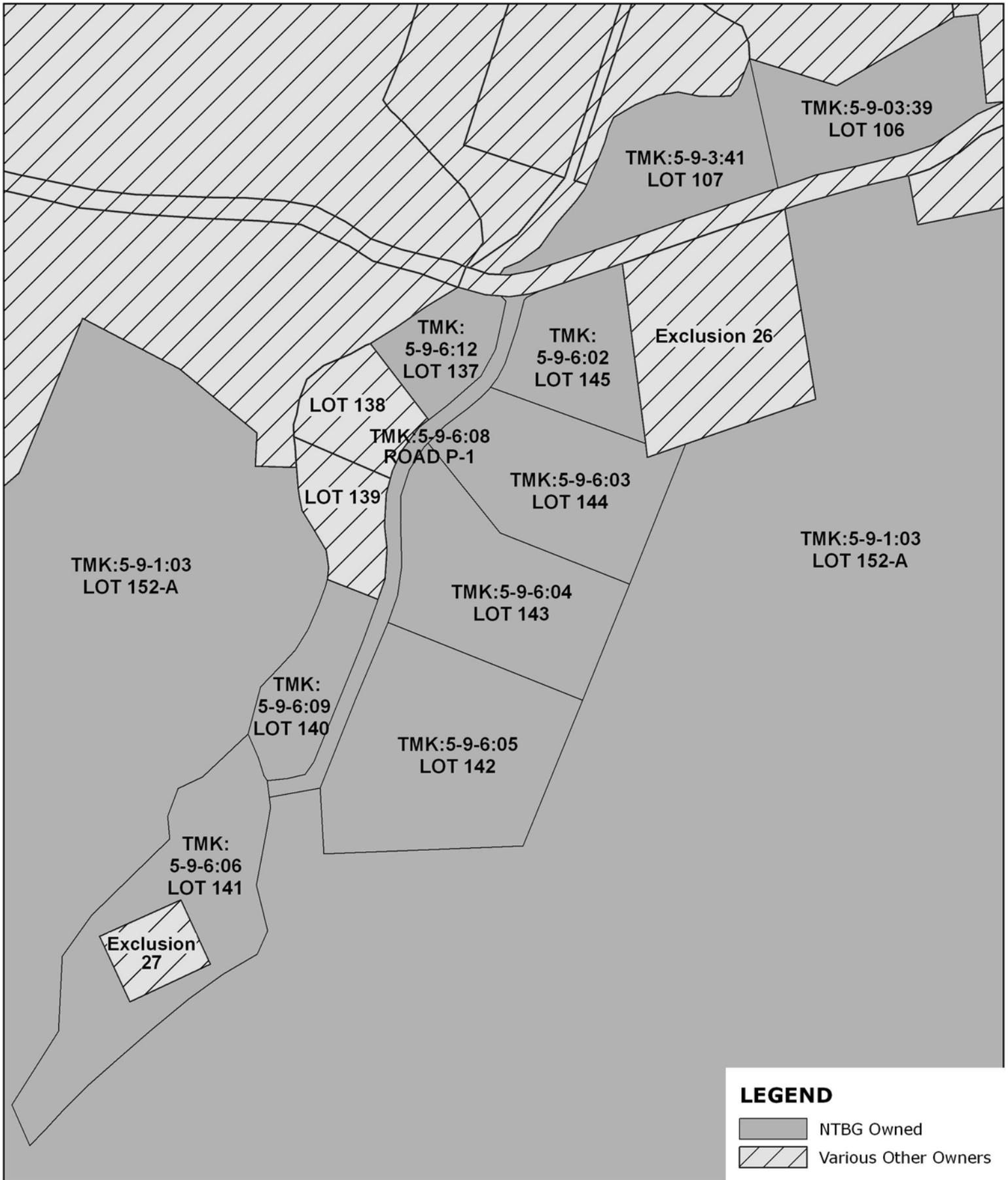
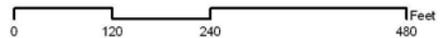


EXHIBIT 5

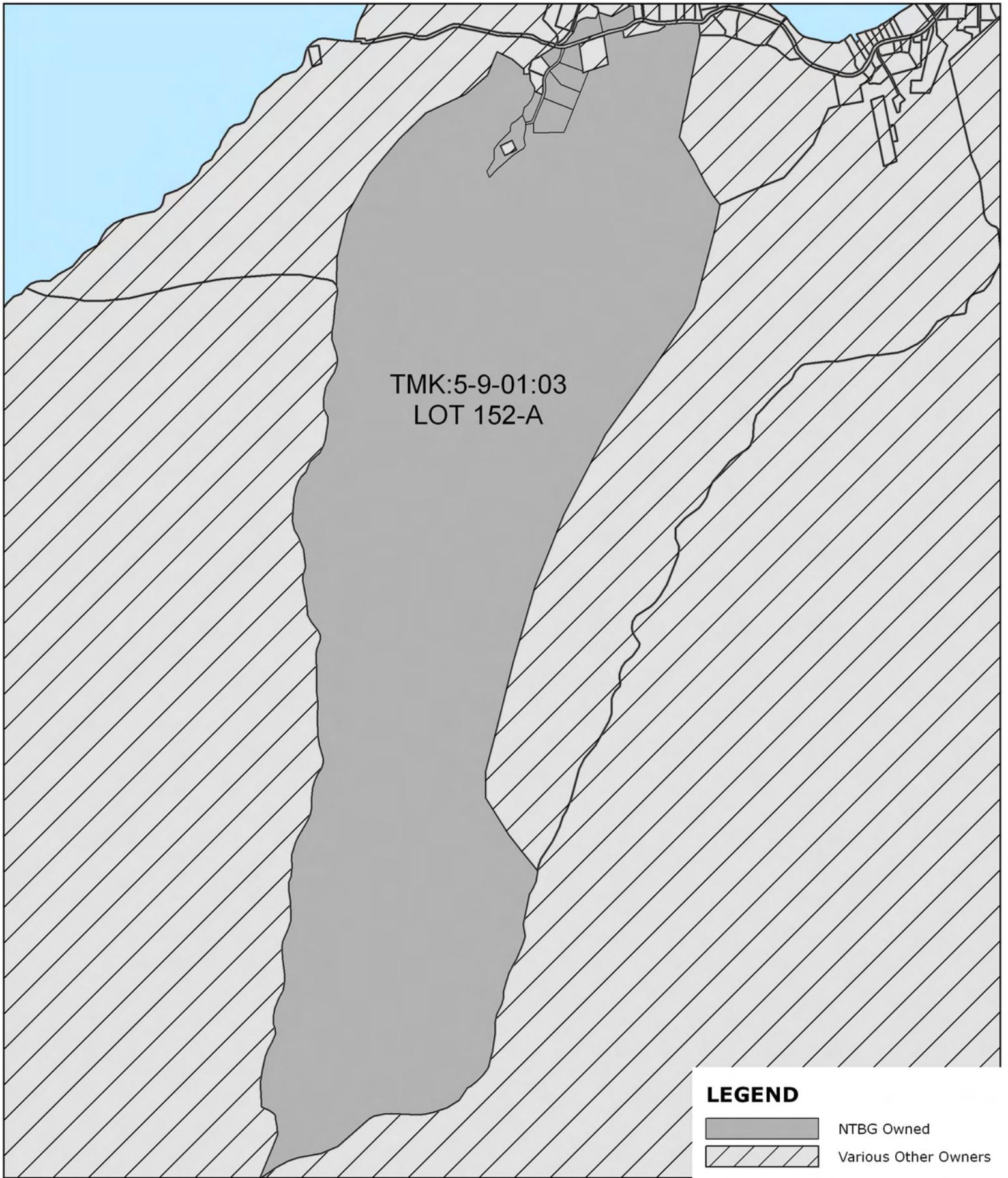
# Tax Map Key:Garden

Limahuli Garden & Preserve  
National Tropical Botanical Garden



Map Prepared by: NTBG, GIS Specialist,  
Lori Terry-Bender. Map Date: May 2007.  
Data Source: June 2005 Kauai TMK.





TMK:5-9-01:03  
LOT 152-A

**LEGEND**

-  NTBG Owned
-  Various Other Owners

EXHIBIT 6

**Tax Map Key: Preserve**

Limahuli Garden & Preserve  
National Tropical Botanical Garden



Map Prepared by: NTBG, GIS Specialist,  
Lori Terry-Bender. Map Date: May 2007.  
Data Source: June 2005 Kauai TMK.



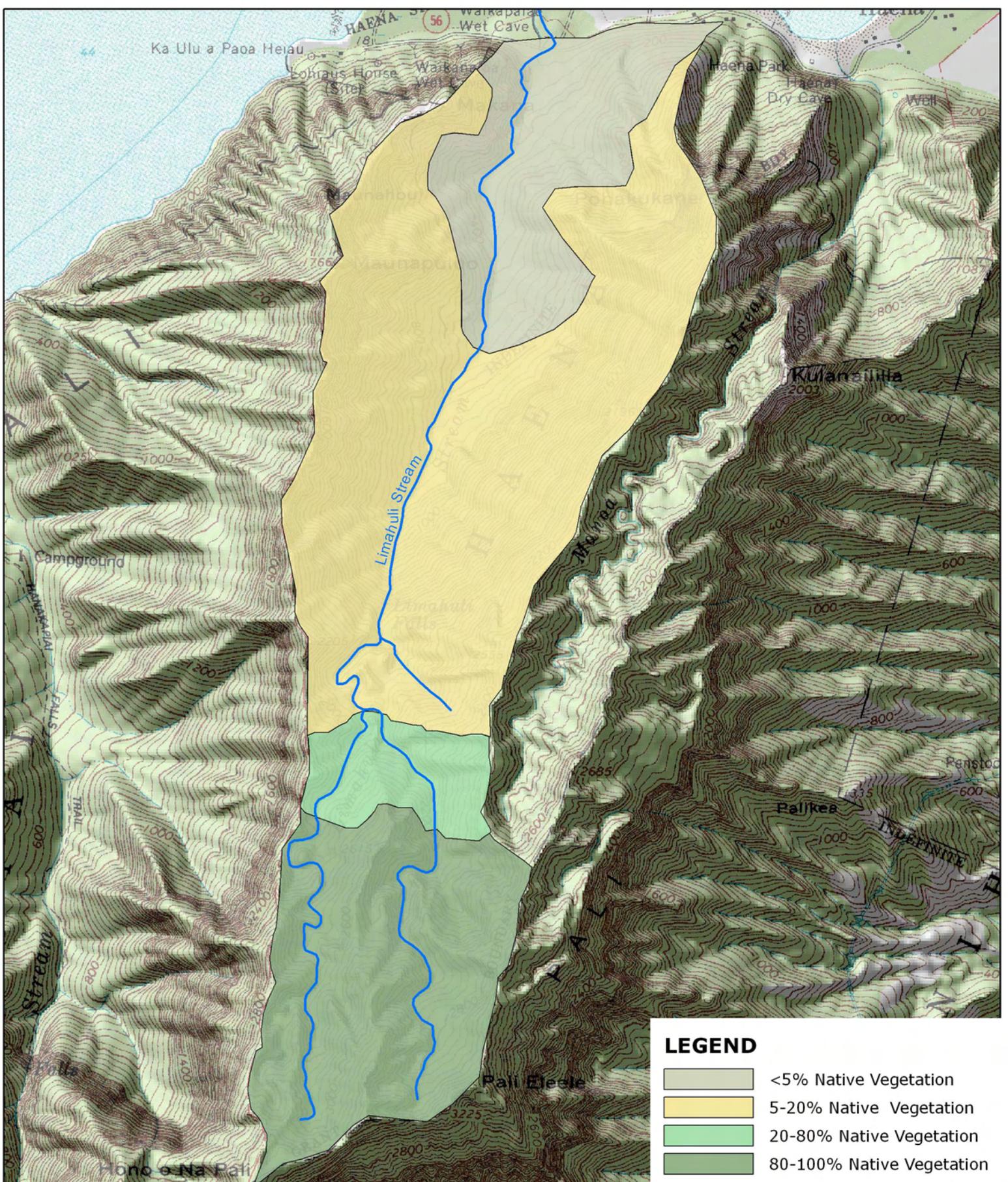


EXHIBIT 7

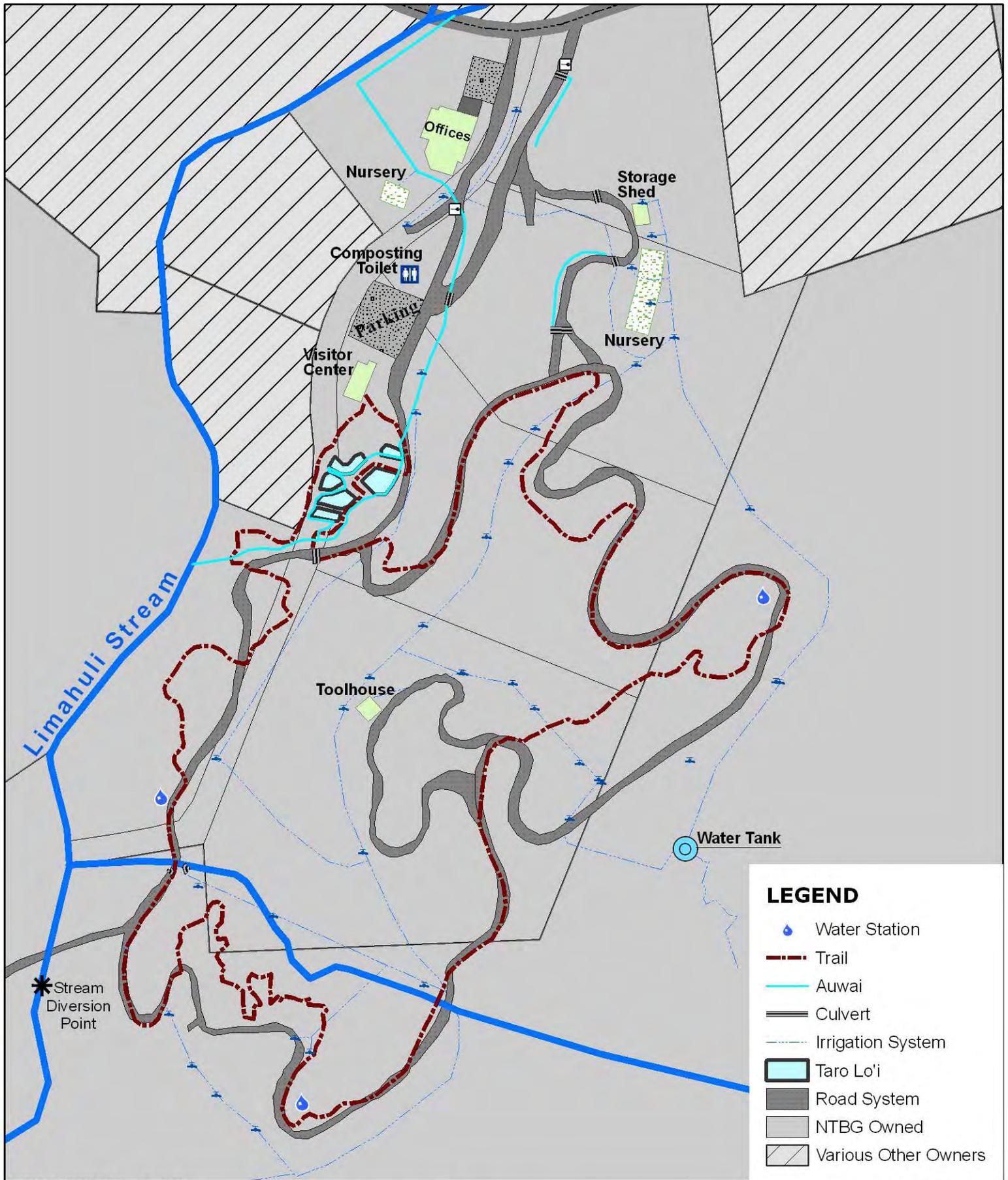
# Existing Vegetation Map

Limahuli Garden & Preserve  
National Tropical Botanical Garden



Map Prepared by: NTBG, GIS Specialist,  
Lori Terry-Bender. Map Date: May 2007.  
Data Source: USGS DRG 7.5' Topo Quad.

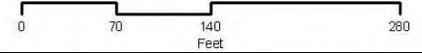




**LEGEND**

-  Water Station
-  Trail
-  Auwai
-  Culvert
-  Irrigation System
-  Taro Lo'i
-  Road System
-  NTBG Owned
-  Various Other Owners

**EXHIBIT 14B**  
**Existing Infrastructure-2007**  
 Limahuli Garden & Preserve  
 National Tropical Botanical Garden



Map Prepared by: NTBG, GIS Specialist,  
 Lori Terry-Bender, Map Date: May 2007,  
 Data Source: June 2005 Kauai TMK.





**EXHIBIT 11**  
**ARCHAEOLOGICAL MAP**

**LIMAHULI VALLEY**  
**NATIONAL TROPICAL BOTANICAL GARDEN**



LIMAHULI GARDENS  
 ARCHAEOLOGICAL COMPLEX  
 HAENA, KAUAI, PROJECT 437  
 50 HA. 05-11

- |                              |                  |
|------------------------------|------------------|
| Symbol                       | Description      |
| Thick solid line             | Wall             |
| Thin solid line              | Path             |
| Dashed line                  | Boundary         |
| Stippled area                | Dense Vegetation |
| Circle with cross            | Well             |
| Circle with dot              | Posthole         |
| Circle with horizontal lines | Platform         |
| Circle with vertical lines   | Platform         |
| Circle with diagonal lines   | Platform         |
| Circle with wavy lines       | Platform         |
| Circle with concentric lines | Platform         |
| Circle with dots             | Platform         |
| Circle with horizontal lines | Platform         |
| Circle with vertical lines   | Platform         |
| Circle with diagonal lines   | Platform         |
| Circle with wavy lines       | Platform         |
| Circle with concentric lines | Platform         |
| Circle with dots             | Platform         |
- SCALE: AS SHOWN  
 DRAWN BY: KENYATA KAVATLORE  
 1981  
 BSO-CP MUSEUM  
 ANTIQUARIAN RESEARCH GROUP

NOTE: THIS EXHIBIT IS BASED UPON A REDUCTION OF THE ORIGINAL MAP WHICH IS 40 x 78 INCHES AND IS AVAILABLE FOR INSPECTION BY CONTACTING NTBG

# **Appendix K**

## **Site Photos**



**Limahuli Hale – Lot 137 – South Facing View From Kuhio Hwy**



**Limahuli Hale – Lot 137 – Driveway View of Front of Hale**



**Limahuli Hale – Lot 137 – East Facing View From Lawn**



**Limahuli Hale – Lot 137 – North Facing View From Nursery**



**Limahuli Hale – Lot 137 – West Facing View of Back Lawn**



**Limahuli Hale – Lot 137 – South Facing View of Nursery from Back Lawn**

# **Appendix L**

## **Comments and Correspondence Received on Draft Environmental Assessment**

LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
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

REF:OCCL:DH

FILE NO.: CDUA KA-3449

Acceptance Date: December 20, 2007

180-Day Exp. Date: June 17, 2008

FEB 12 2008

Chipper Wichman  
Executive Director  
National Tropical Botanical Garden  
3530 Papalina Road  
Kalaeho, Hawaii 96741

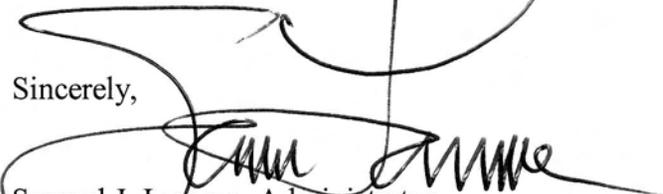
Dear Mr. Wichman,

Subject: Conservation District Use Application (CDUA) KA-3449 to change the land use of the Dunn Single Family Residence (SFR) to an administrative/commercial use to help the functions of the National Tropical Botanical Garden (NTBG) Limahuli Garden and Preserve, located in Haena, Island of Kauai, Subject Parcel TMK: (4) 5-9-006:012

The Department of Land and Natural Resources' (DLNR), Office of Conservation and Coastal Lands (OCCL) notes the agency comment period on your application has closed. Attached to this letter are copies of the comments received by the 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 by February 22, 2008. Please submit six paper copies of the Final EA to us so it can be submitted for the March 8, 2008 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 feel free to contact Dawn Hegger of our Office of Conservation and Coastal Lands at 587-0380.

Sincerely,

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



RECEIVED  
OFFICE OF CONSERVATION  
& COASTAL LANDS

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

2008 JAN 15 A 9: 32

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

HRD07/3463

January 9, 2008

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

**RE: Conservation District Use Application (CDUA) KA-3449 to change the land use of the Dunn Single Family Residence (SFR) to an administrative/commercial use to help the functions of the National Tropical Botanical Garden (NTBG) Limahuli Garden and Preserve, located in Hā'ena, Island of Kaua'i, Subject Parcel TMK: (4) 5-9-006:012**

Aloha nō e Mr. Lemmo,

The Office of Hawaiian Affairs (OHA) is in receipt of your letter (with enclosures) date-stamped December 20, 2007, requesting comments on a CDUA land use change in the above-referenced matter, and offers the following comments:

OHA is excited and encouraged by the spirit and intent of this ongoing project and wishes it continued success. We point out, however, that your enclosures reference a history of CDUA/P changes and their supporting documents, surveys and tests that were not transmitted forthwith, and for which staff has no record of receiving or reviewing (i.e., CDUA KA-2656, CDUA KA-2532, 1991 Master Plan for Limahuli Garden & Preserve).

OHA notes that the enclosed Draft Environmental Assessment (DEA) pledges, *inter alia*:

A key part of the mission of Limahuli Garden and Preserve [(LG&P)] is to perpetuate traditional cultural knowledge. As a result, Limahuli has developed strong relationships with cultural practitioners in the Hawaiian community and has an open door policy for cultural practitioners wanting to access to resources within [LG&P]. The proposed use of TMK (4) 5-9-006-012 as an administration headquarters for LG&P will thus enhance the perpetuation of Hawaiian culture. [CDUA KA-3449, p.5.]

The DEA, in accordance with Chapter 343 of the Hawai'i Revised Statutes (HRS), should include a Cultural Impact Assessment (CIA). In accordance with the requirement of Act 50, Session Laws of Hawai'i 2000, a CIA shall include information relating to the practices and beliefs of the Native Hawaiians who once inhabited this area, and it is recommended that community involvement be included in this assessment.

In *Ka Pa'akai O Ka 'Āina v. Land Use Commission*, 94 Haw. 31 (2000) (hereinafter *Ka Pa'akai*), the Hawai'i Supreme Court, again noting it was clear that the State and its agencies are obligated to protect the reasonable exercise of customarily and traditionally exercised rights of Hawaiians, to the extent feasible, noted the findings of the Hawai'i State Legislature in 2000 that:

[T]he past failure to require native Hawaiian cultural impact assessments has resulted in the loss and destruction of many important cultural resources and has interfered with the exercise of native Hawaiian culture. The legislature further finds that due consideration of the effects of human activities on native Hawaiian culture and the exercise thereof is necessary to ensure the continued existence, development, and exercise of native Hawaiian culture. Act 50, H.B. NO. 2895, H.D. 1, 20th Leg. (2000).

The *Ka Pa'akai* court also noted:

With regard to native Hawaiian standing, this court has stressed that "the rights of native Hawaiians are a matter of great public concern in Hawai[']i." *Pele Defense Fund v. Paty*, 73 Haw. 578, 614, 837 P.2d 1247, 1268 (1992), *certiorari denied*, 507 U.S. 918, 113 S. Ct. 1277, 122 L. Ed. 2d 671 (1993).

The *Ka Pa'akai* court also set forth an analytical framework, in that instance for the LUC to adhere to, but in the spirit and intent of the law, a framework that all State and County entities should follow, which is espoused below. The proper analysis of cultural impacts should include:

- (1) Identity and scope of "valued cultural, historical, or natural resources" in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
- (2) Extent to which those resources -- including traditional and customary native Hawaiian rights -- will be affected or impaired by the proposed action; and
- (3) Feasible action, if any, to be taken by the [agency] to reasonably protect native Hawaiian rights if they are found to exist.

This framework, as set forth by the Hawai'i Supreme Court, is a good beginning to address the obligations of the State of Hawai'i and its agencies, to properly identify, consider, and mitigate adverse impacts to the traditional and customary rights of Hawaiians which we are all obligated to protect.

In light of these statutory and judicial mandates, OHA takes further guidance from Article XII, Section 7, of the Constitution of the State of Hawai'i which states:

TRADITIONAL AND CUSTOMARY RIGHTS, Section 7. The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights. [Add Const Con 1978 and election Nov. 7, 1978.]

OHA acknowledges and recognizes the commitment of all participants under CDUA KA-3449 in complying with the constitutional mandate and the progeny of case law that ensued upholding the rights of our beneficiaries.

At this time, OHA offers conditional support of the CDUA KA-3449 land use change pending our receipt, adequate review and comment of the aforementioned supporting documents, surveys and tests. Our immediate interest is in openness, the sharing of information, and having the opportunity to assess the earlier documentation and cultural resource consultations that form the foundation for, and in context with, the instant action.

Thank you for the opportunity to comment. If you have further questions and/or concerns, please contact Jerome Yasuhara, Policy Advocate in the Native Rights, Land and Culture Hale, at (808) 594-0239 or [jeromey@oha.org](mailto:jeromey@oha.org).

'O wau iho nō, me ka ha'aha'a,



Clyde W. Nāmu'o  
Administrator

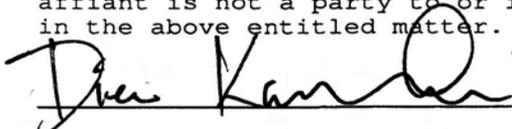
C: State Historic Preservation Division, DLNR  
County of Kaua'i Planning Department  
Kanani Kagawa, OHA CRC (Kaua'i)

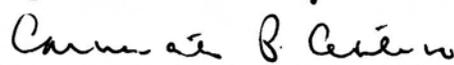
THE GARDEN ISLAND

SHARLEEN KUBA  
DLNR/CONSERVATION & COASTAL LA  
1151 PUNCHBOWL ST ROOM 131  
HONOLULU HI 96813

REFERENCE: 115118  
103809 (CDUA) KA-3449

Diean Kamaouha, being duly sworn, deposes and says, that she is an employee of "The Garden Island," a newspaper published in Lihue, County of Kauai, State of Hawaii; that the NOTICE in the above entitled matter of which the annexed is a true and correct copy, was published 1 time(s) in "The Garden Island" aforesaid and that this affiant is not a party to or in any way interested in the above entitled matter.

  
Subscribed and sworn to before me this day of January, 2007 gn

  
CARMENCITA P. CENTENO  
Notary Public, Fifth Judicial Circuit  
State of Hawaii  
My Commission Expires: July 25, 2008

PUBLISHED ON: 12/23/2007

FILED ON: 12/23/07 DIC

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL  
RESOURCES

NOTICE OF PUBLIC HEARING  
ON PROPOSED LAND USE  
WITHIN THE CONSERVATION DISTRICT

DATE: Tuesday, February 19, 2008  
TIME: 6:00 P.M.  
PLACE: Hanalei Elementary School Cafeteria,  
5-5415 Kuhio Highway, Hanalei, Island of Kauai

The State of Hawaii, Department of Land and Natural Resources, pursuant to Chapter 183C, Hawaii Revised Statutes, will hold a public hearing in Kauai, to receive testimony on the following:

**Conservation District Use Application (CDUA) KA-3449**  
The applicant proposes to change the land use of the Dunn Single Family Residence (SFR) to an administrative/commercial use to help the functions of the National Tropical Botanical Garden (NTBG) Limahuli Garden and Preserve, located in Haena, Island of Kauai, Subject Parcel TMK: (4) 5-9-006:012. The proposed use will allow the SFR to be used as a multipurpose building that will house administrative office(s), an education center for school groups and community lectures, serve as an archive area, tool storage area, and serve as accommodations for visiting academics; the area surrounding the SFR will contain an outdoor nursery. The subject parcel will eventually be incorporated into the Limahuli Special Subzone for NTBG via a boundary amendment.

A copy of the application, is available for inspection at the Office of Conservation and Coastal Lands, Department of Land and Natural Resources in Honolulu at the Kalanimoku Building, 1151 Punchbowl Street, Room 131, Honolulu, Hawaii, at the Kauai District Land Office, 3060 Eiwa Street, Room 205, Lihue, Kauai and at the Princeville Public Library, Island of Kauai.

Any person may testify or present information on the application. If you have a legal interest that may be adversely affected by the application, you may have the right to request an administrative contested case hearing. However, you must make the request either orally or in writing by the close of this public hearing and file a written petition for a contested case hearing within 10 days after the date of this public hearing. If you do not make such a request, or fail to file a timely written petition with the Department of Land and Natural Resources, you may be precluded from obtaining a contested case hearing and judicial review. See Chapter 13-1 Hawaii Administrative Rules of the Department of Land and Natural Resources and Chapter 91 Hawaii Revised Statutes.

Disabled individuals planning to attend the hearing are asked to contact the DLNR at the above address or phone Dawn Hegger at 587-0380 at least three days in advance of the public hearing to indicate if they have special needs which require accommodation.

BOARD OF LAND AND NATURAL RESOURCES  
LAURA H. THIELEN Chairperson

(December 23, 2007)

LINDA LINGLE  
GOVERNOR OF HAWAII



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

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LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
RUSSELL Y. TSUJI  
FIRST DEPUTY  
KEN C. KAWAHARA  
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

REF:OCCL:DH

FILE NO.: CDUA KA-3449

Acceptance Date: December 20, 2007  
180-Day Exp. Date: June 17, 2008  
SUSPENSE DATE: 21 Days from  
stamped date

DEC 20 2007

**MEMORANDUM:**

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

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

SUBJECT: Conservation District Use Application (CDUA) KA-3449 to change the land use of the Dunn Single Family Residence (SFR) to an administrative/commercial use to help the functions of the National Tropical Botanical Garden (NTBG) Limahuli Garden and Preserve, located in Haena, Island of Kauai, Subject Parcel TMK: (4) 5-9-006:012

APPLICANT: Chipper Wichman, NTBG, 3530 Papalina Road, Kalaheo, Hawaii 96411, 808-332-7324

TMKs: (4) 5-9-006:012

LOCATION: Haena, Island of Kauai

PUBLIC HEARING: YES  NO

RECEIVED  
OFFICE OF CONSERVATION AND COASTAL LANDS  
DEC 20 2007  
DEPT. OF LAND & NATURAL RESOURCES  
STATE OF HAWAII  
JAN - 4 10:40

Please contact Dawn Hegger at 587-0380 of the Office of Conservation and Coastal Lands, 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

Edwin T. Johnson  
Signature  
12/20/07  
Date

Attachment(s)

OCCL

LINDA LINGLE  
GOVERNOR OF HAWAII



LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
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

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

REF:OCCL:DH

FILE NO.: Cдуа KA-3449

Acceptance Date: December 20, 2007  
180-Day Exp. Date: June 17, 2008  
SUSPENSE DATE: 21 Days from  
stamped date

DEC 20 2007

**MEMORANDUM:**

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

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

SUBJECT: Conservation District Use Application (CDUA) KA-3449 to change the land use of the Dunn Single Family Residence (SFR) to an administrative/commercial use to help the functions of the National Tropical Botanical Garden (NTBG) Limahuli Garden and Preserve, located in Haena, Island of Kauai, Subject Parcel TMK: (4) 5-9-006:012

APPLICANT: Chipper Wichman, NTBG, 3530 Papalina Road, Kalaheo, Hawaii 96741, 808-332-7324

TMKs: (4) 5-9-006:012

LOCATION: Haena, Island of Kauai

PUBLIC HEARING: YES  NO

Please contact Dawn Hegger at 587-0380 of the Office of Conservation and Coastal Lands, 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

Signature  
**PAUL J. CONRY, ADMINISTRATOR**  
**DIVISION OF FORESTRY AND WILDLIFE**

DEC 20 2007

Attachment(s)

51005

LINDA LINGLE  
GOVERNOR OF HAWAII



RECEIVED  
OFFICE OF CONSERVATION  
AND COASTAL LANDS

2008 JAN -2 P 3:15

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CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
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STATE OF HAWAII  
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TMKs: (4) 5-9-006:012

LOCATION: Haena, Island of Kauai

PUBLIC HEARING: YES  NO

Please contact Dawn Hegger at 587-0380 of the Office of Conservation and Coastal Lands, 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

Signature  
Date 12/31/07

Attachment(s)



# NATIONAL TROPICAL BOTANICAL GARDEN

Chartered by Congress to Create a National Resource in Conservation, Research, and Education

February 20, 2008

Mr. Samuel J. Lemmo, Administrator  
Office of Conservation and Coastal Lands  
State Department of Land and Natural Resources  
Post Office Box 621  
Honolulu, HI 96809

Dear Sam,

Mahalo for your letter of February 12, 2008 in which you advised me that the agency comment period on CDUA KA-3449 had closed and that I should respond to the questions raised directly to the authoring agencies.

The only agency that responded with any questions was OHA and I enclose my response to their letter of January 9, 2008 for your review. I also wanted to tell you that I met today with Jerome Yasuhara at the OHA offices and provided him with my old correspondence with OHA related to CDUA KA-2656 (1991) and *Hana Ka Lima 'Ai Ka Waha* a compilation of archival research and oral histories that, in his words, "exceeded" his request and expectations related to information indicating the proposed action would not negatively impact traditional and customary Hawaiian cultural practices and rights.

With this consultation and correspondence with OHA completed we will now finalize the Final EA and provide you with the requested number of copies as well as transmit to OEQC the information detailed in your letter. I expect these documents will be hand delivered to your office by the end of this week.

Please do not hesitate to contact me should you have any questions regarding this correspondence or our FEA. Both Kawika Winter and I look forward to working with you and Dawn to complete this CDUA process in a timely manner and we appreciate your help in expediting the review.

Aloha,

Chipper Wichman, Director and CEO

cc: Kawika Winter – Director, Limahuli Garden and Preserve  
Enclosures: Letter to Mr. Clyde W. Nāmu‘o, Administrator, OHA



# NATIONAL TROPICAL BOTANICAL GARDEN

Chartered by Congress to Create a National Resource in Conservation, Research, and Education

February 19, 2008

Mr. Clyde W. Nāmu‘o, Administrator  
Office of Hawaiian Affairs  
711 Kapi‘olani Boulevard, Suite 500  
Honolulu, Hawai‘i 96813

**Subject: Conservation District Use Application (CDUA) KA-3449 to change the land use of the Dunn Single Family Residence (SFR) to an administrative/commercial use to help the functions of the national Tropical Botanical Garden (NTBG) Limahuli Garden and Preserve, located in Hā‘ena, Island of Kaua‘i, Subject Parcel TMK (4) 5-9-006:012**

Aloha mai e Mr. Nāmu‘o,

Mahalo for your comments on our CDUA and DEA which will convert the existing permitted Single Family Residence (SFR) “land use” on TMK (4) 5-9-006:012 to a permitted “land use” that is compatible with the operations and goals of Limahuli Garden and Preserve. We appreciate the strong support you have shown for the work that we are doing to preserve our cultural resources and protect our traditional and customary practices and rights.

When I originally worked through all of the permitting issues to create the Limahuli Valley Special Subzone (1987-1992) and then permit the operation of Limahuli Garden and Preserve via CDUP KA-2656 (1993) the Office of Hawaiian Affairs was involved in the review process. I have attached the correspondence from OHA related to this review as shown in the FEA for CDUA KA-2656 (see attached). Because TMK (4) 5-9-006:012 was at that time owned by Mr. Dunn who was in the process of developing it as a single family residence NTBG was not involved with that CDUA process (KA-2532) and does not have the documentation related to his permit application or EA. However, I did personally witness the archaeological work begin conducted by Mr. Joe Kennedy and know that the results of his survey work were filed with SHPD.

Regarding your concern about the protection of traditional and customary native rights via a Cultural Impact Assessment (CIA) I wanted to let you know that over the past seven years we have conducted more than 20 in depth interviews with our *kūpuna* who are *kama‘aina* to Hā‘ena as well as knowledgeable cultural practitioners who utilize this *ahupua‘a*. This has resulted in over 50 hours of digital audio and video files which are stored at Limahuli and made available to our community members. Many of these interviews have been transcribed and, with the proper permission of the informants who were interviewed, have been made available to our community members. These interviews have yielded a wealth of knowledge and documented traditional and customary practices of

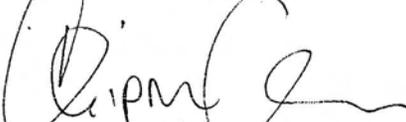
our native community especially as it relates to lawai‘a which was, and is, a primary subsistence activity for our native community.

I have included for your review *Hana Ka Lima – Ai Ka Waha* a document that contains not only several of the oral histories we have done but the archival research about the ahupua‘a of Hā‘ena including the *kuleana* awards that were made as part of the *Mahele*. This particular study was done with the help of Kepā Maly of Kumu Pono Associates who as you know is expert in this area of research and documentation. I mention this only to assure you that we are as concerned as you are about the protection of the traditional and customary rights of our native people as mandated in Article XII, Section 7 of our State constitution.

In closing, I hope that I have adequately explained how the proposed conversion of the currently permitted SFR “use” on TMK (4) 5-9-006:012 (a small privately owned lot), to a “land use” that is compatible and supportive of Limahuli Garden and Preserve and our mission to perpetuate traditional cultural knowledge will in no way threaten or diminish traditional and customary rights and practices, on the contrary, this change in approved land “use” will enhance the perpetuation of our host culture in the ahupua‘a of Hā‘ena.

Please don’t hesitate to contact me directly should you have any additional questions or concerns about our Conservation District Use Application.

‘Ō wau iho no me ka ha‘a ha‘a,



Chipper Wichman  
Director and CEO

cc: Sam Lemmo, Administrator OCCL

February 12, 1991

Mr. Charles R. Wickman, Jr.  
Assistant to the Director - Limahuli  
P. O. Box 808  
Hanalei, Hawaii 96714

Re: Limahuli Gardens and Preserve  
Ha'ena, Kaua'i  
TMK's: 5-9-01:03; 5-9-06:2-6, 8 and 9

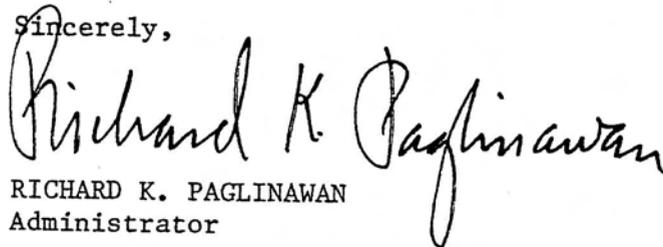
Dear Mr. Wickman:

Thank you for the opportunity to review the Master Plan for Limahuli Gardens. We have the following comments and concerns.

1. Since the emphasis and direction of the Master Plan is in the protection and preservation of native Hawaiian plant species, the inclusion of exotic plants in the garden, if done at all, should be done in a very limited and controlled manner.
2. Since the number of daily visitors to the garden/preserve will be limited, care should be taken to insure that educational tours and local visitors have a preference.

We have no other comments or concerns at this time.

Sincerely,

  
RICHARD K. PAGLINAWAN  
Administrator

RKP:jc

cc: Moses K. Keale, Sr., Chairperson  
Board of Trustees



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Ph: (808) 946-2642



# NATIONAL TROPICAL BOTANICAL GARDEN

CHARTERED BY CONGRESS TO CREATE A NATIONAL RESOURCE IN TROPICAL BOTANY

April 18, 1991

Mr. Richard K. Paglinawan  
Office of Hawaiian Affairs  
1600 Kapi'olani Blvd., Suite 1500  
Honolulu, Hawai'i 96814

Dear Mr. Paglinawan:

**SUBJECT: Early Review of The National Tropical Botanical Garden's  
Master Plan for Limahuli Gardens and Preserve,  
Ha'ena, Kaua'i. Tax Map Keys 5-9-01:3; 5-9-06:2 - 6, 8, and 9.**

Thank you for taking the time to review and comment on the National Tropical Botanical Garden's (NTBG) Master Plan for Limahuli Gardens and Preserve.

Having just completed the early review of our Master Plan for Limahuli Gardens and Preserve, the NTBG is now preparing to file a Conservation District Use Application (CDUA) with the Department of Land and Natural Resources (DLNR) in late April 1991. The CDUA process will include a public hearing to allow the community an opportunity to voice their concerns. The hearing will probably be held on Kaua'i sometime in late summer or early fall 1991. If you are interested in testifying at the hearing, please contact me in May and I will keep you informed about when and where the hearing will be held.

In response to your comments and concerns, the inclusion of alien plants in the Gardens will be done in a limited and controlled manner. Our planting programs (pages 27-29, 82 of the Master Plan) have been designed so that all candidate plants will be closely screened prior to planting in the Gardens or the Preserve. Although our primary focus is on the preservation and protection of native Hawaiian plant species, the inclusion of alien plants is necessary for the realization of several of our programs. For example, the Habitat Improvement Program for Limahuli Gardens will depend upon alien species of grass to prevent soil erosion in newly cleared areas. The Planting Program for Limahuli Gardens will utilize alien ornamental species such as gingers and heliconias as important components of the tropical landscaping found near the entrance to the Gardens. Educational programs will all touch upon the importance of the Hawaiian culture and its role in, and use of, Limahuli Valley. Because the ancient Hawaiians brought with them many alien plants important to their culture (which include *kalo*, *kukui*, *ki*, *wauke*, etc.), we have incorporated a Hawaiian ethnobotanical area (Exhibit 8) to display these important plants. Thus, alien plants will be a necessary part of the overall planting of the Garden Area.

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DIRECTOR

MICHAEL J. SHEA  
GENERAL COUNSEL

Mr. Richard K. Paglinawan  
April 18, 1991  
Page 2

Your concern that educational tours and local visitors should receive preference in visiting the Gardens is well taken. The focus of Limahuli Gardens and Preserve is that of an educational, recreational, and research resource, and not as a tourist attraction. Because of this, all of our tours will be educational tours designed to impart a knowledge about the natural and cultural history of Hawai'i to the participants. Special groups (e.g., school children, Hawaiian Studies Resource Teachers, etc.) will, of course, be given preference, including exemptions to several of the limitations on our visitors programs. In order to make the Gardens and its educational programs more accessible to the community, local residents will be able to tour the Gardens free-of-charge on the Community Day that will be held at least once monthly.

Once again, I thank you for the time spent reviewing and commenting on our Master Plan. If you have any questions, or if I can be of help to you or your staff, please feel free to contact me. Mahalo.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles R. Wichman, Jr.", written in dark ink.

Charles R. Wichman, Jr.

Assistant to the Director - Limahuli



Hanalei-Ha'ena Community Association  
Post Office Box 789  
Hanalei, HI 96714

February 7, 2008

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

Re: CDUA KA-3449: NTBG Limahuli Garden and Preserve, TMK (4)-5-9-006:012

Aloha Mr. Lemmo,

The Hanalei-to-Ha'ena Community Association (HHCA) has reviewed Conservation District Use Application (CDUA) KA-3449 and the associated draft Environmental Assessment and submits the following comments on the application.

1. The HHCA has consistently submitted testimony to the DLNR in connection with new CDUAs in which we have stressed the importance of incorporating conditions that explicitly prohibit the establishment of commercial activities, such as transient vacation rentals, in the Conservation District.
2. All of the proposed uses identified in CDUA KA-4339 - office space, education space, storage, nursery and short-term accommodations for visiting researchers and volunteers - would be non-commercial in that they would occur in support of the non-profit activities of NTBG's Limahuli Garden and Preserve, an organization that provides significant public benefits to Kauai and to our community. We therefore support the CDUA.
3. However, we do request that approval of the CDUA be made contingent on conditions to the effect that: (i) the proposed uses are allowed only in connection with the NTBG's non-profit activities, (ii) transient vacation rentals of the property are prohibited, and (iii) should ownership of the subject property be transferred at some time in the future, the uses permitted under CDUA KA-3449 will no longer be allowed and a new CDUA will be required to establish the appropriate uses of the property.

Thank you for providing the opportunity to comment.

Carl Imparato  
President, Hanalei-to-Ha'ena Community Association  
808-826-1856  
carl.imparato@juno.com

cc: Dawn Hegger (OCCL), Kawika Winter (NTBG Limahuli Garden and Preserve)



# NATIONAL TROPICAL BOTANICAL GARDEN

Chartered by Congress to Create a National Resource in Conservation, Research, and Education

February 19, 2008

Carl Imparato, President  
Hanalei-to-Ha'ena Community Association  
PO Box 789  
Hanalei, HI 96741

**Subject: CDUA KA-3449: Limahuli Garden and Preserve, TMK (4)-5-9-006:012**

Aloha Carl,

Mahalo for your comments on our CDUA and DEA which if approved will convert the existing permitted Single Family Residence (SFR) "land use" on TMK (4) 5-9-006:012 to a permitted "land use" that is compatible with the operations and goals of Limahuli Garden and Preserve.

We appreciate the strong support you have shown for the work that we are doing and your recognition that our CDUA will result in important benefits to the community. Thank you also for making the time to come and testify at the public hearing on Tuesday evening at Hanalei School. It was heartening to hear only positive testimony from everyone who attended.

Please don't hesitate to contact me directly should you have any additional questions or concerns about our Conservation District Use Application.

'O wau iho no me ka ha'a ha'a,

Chipper Wichman  
Director and CEO

cc: Sam Lemmo, Administrator OCCL  
Kawika Winter, Director – Limahuli Garden and Preserve