

BENJAMIN J. CAYETANO
Governor of Hawaii



REF: OCEA: CT

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
95 JUL 14 10 17

P. O. Box 621
Honolulu, Hawaii 96809

JUL 13 1995

FILE NO.: KA-2769

3127
Chairperson
MICHAEL D. WILSON
Board of Land and Natural Resources

Deputy Director
GILBERT COLOMA-AGARAN

Aquaculture Development
Aquatic Resources
Boating and Ocean Recreation
Bureau of Conveyances
Conservation and Environmental Affairs
Conservation and Resources Enforcement
Forestry and Wildlife
Historic Preservation
Land Management
State Parks
Water and Land Development

MEMORANDUM

TO: Mr. Gary Gill, Director
Office of Environmental Quality Control

FROM: Michael D. Wilson, Chairperson *Michael D. Wilson*
Board of Land and Natural Resources

SUBJECT: Negative Declaration for a Single Family Residence in
Haena, Kauai; TMK: 5-9-2: 44

The Department of Land and Natural Resources has reviewed the comments received during the 30-day public comment period which began on April 23, 1995. We have determined that this project will not have significant environmental effect and have issued a negative declaration. Please publish this notice in the OEQC Bulletin as soon as possible.

We have enclosed a completed OEQC Bulletin Publication Form and four copies of the final EA. Please contact Cathy Tilton of our Office of Conservation and Environmental Affairs at 587-0377, if you have any questions.

Enclosure

92

1995-08-08-KA-FA-Bean and Spaulding Single Family Home
FILE COPY
AUG 8 1995

FINAL ENVIRONMENTAL ASSESSMENT

TMK: 4-5-9-02: 44

**Proposed Construction of a Single Family Dwelling
Haena Hui, Haena, Kauai**

(1) **APPLICANTS:** Anabel Baldwin Bean and
Joan Baldwin Spalding, Trustee for
Revocable Trust of Joan Baldwin Spalding
535 Gannett Road
Bellevue, ID 83313
Telephone: (208)788-6425 and
(208)788-4719

or
4999 Kahala Avenue, Apt. 4112
Honolulu, HI 96816
Telephone: (808)737-7618
(See attachments #2 and 3.)

Contact Person:
Arne Gordon Westly, Jr.
55-311 Kamehameha Highway
Laie, HI 96762
Telephone: (808)293-2433 from 6:00 a.m. - 7:00 a.m.
or 4:30 - 8:00 p.m.

(2) **APPROVING AGENCY:** Department of Land and Natural Resources.

(3) **AGENCIES CONSULTED:**
County of Kauai Planning Department

The County of Kauai, Planning Department, in their letter of April 19, 1995, states that this project is exempt from the County of Kauai S.M.A. rules and regulations. We must comply, however, with the North Shore Development Plan of the Comprehensive Zoning Ordinance.

County of Kauai Department of Public Works

The County of Kauai Department of Public Works in their letter of April 13, 1995, informs us that our lot is in the VE Zone, with a corresponding base flood elevation of 23 feet above mean sea level (hereinafter M.S.L.). In response to their concerns, we have moved our laundry facilities and water heater upstairs into the main living area of the house which is 9 feet above grade or 26 feet above MSL (3 feet more than required). The storeroom under the structure will be built to their "breakaway" specifications.

An architect, registered in the State of Hawaii, will stamp the final plans for the building and sewage system; and a surveyor or civil engineer, registered in the State of Hawaii, will complete the elevation certificate.

State Historic Preservation Division and State of Hawaii Office of Hawaiian Affairs
The State Historic Preservation Division and the State of Hawaii Office of Hawaiian Affairs in their letters of April 21, 1995, and April 11, 1995, respectively, are concerned about the possibility that significant archaeological or historic resources may exist on this property. Therefore, following approval of this application by the Board of Land and Natural Resources, an archaeological inventory survey will be made complying with the requirements of the State Historic Preservation Division. (See attachment #1, agency letters and our responses.)

(4) **PROPOSED LAND USE:**

The applicants propose to build, for family use, an old Hawaii style single family residence of 3 bedrooms and 3 baths with a total of 3,453 square feet. This wood house will rest upon large, round concrete piers with the floor level of the major living space (which will include laundry facilities and water heater) at approximately 9 feet above ground or 26 feet above M.S.L. (3 feet more than required.) A "breakaway" storeroom and concrete slab carport will be built under the structure.

Utilities from highway to dwelling will be buried. A septic system to State and County of Kauai Health regulations will be utilized. A 6 foot high chain link security fence, painted green, will be constructed around the property. Driveway and guest parking will be grassed. Landscaping will be minimal but will include planting bushes, natural to the area, to shield fence and house foundation from the highway where possible and practical.

Comparison Table:

Minimum lot size: 10,000 square feet.

Our lot is 16,015 square feet.

Minimum setbacks: 15 feet.

Our setbacks are: 15 feet.

Height limit: 25 feet.

Our height is 24½ feet.

Maximum Developable Area: 3,500 square feet.

Our total is 3,453 square feet as follows:

1,860 square feet habitable interior.

600 square feet deck and staircase.

265 square feet storage room with attached steps.

728 square feet carport.

TOTAL: 3,453 square feet

(5) DESCRIPTION OF AFFECTED ENVIRONMENT:

Location:

The proposed house lot site of 16,015 square feet is not a shoreline lot but is inland from the shoreline approximately 1/7 mile. There are several house lots between the subject lot and the shoreline. (TMK 4-5-9-02:46, 48, and 47)

The proposed house lot fronts onto Kuhio Highway and is located 5½ miles from Hanalei Town, 1.8 miles from Wainiha General Store, and 1/3 miles from the YMCA Camp Naue by car.

It is part of the Haena Hui portion where the Board of Land and Natural Resources established a policy of allowing one house per lot. It is categorized as "Good house lots on Road." (See attachment #4.)

The subject lot is east of Manoa Stream, and in an area that is already fairly well developed with residences. There are homes on both adjacent lots to the subject lot along Kuhio Highway. The home on the Haena side (TMK 5-9-02:45) is owned by William Asing, Box 1643, Lihue, HI 96766. The home on the Hanalei side (TMK 5-9-02:43) is owned by Stephen Baker, Box 802, Hanalei, HI 96714. The lot at the back (TMK 5-9-02:46) is vacant and owned by Donald Chandler, 17 Bonita Ave., Piedmont, CA 94611.

Topography:

The proposed house lot is flat and is 17 feet above M.S.L. It is not being used, and there are no structures on it. There are no known covenants, easements, or restrictions on it.

Since vegetation thickly covers the subject lot, consisting primarily of Ironwood, Kamani, Java Plum, Papaya, Guava, and Koa Haoli, an effective inspection is not possible. Following approval by the Board of Land and Natural Resources, an archaeological survey will be made complying with the requirements of the State Historical Preservation Division.

The applicants intend to retain as much of the vegetation on the subject lot as possible and practical; only removing vegetation where necessary to make way for construction. The remaining trees will be kept intact except for trimming back where hazardous for hurricanes.

Elevation:

The Flood Insurance Rate Map dated 1987 shows our lot partly in VE zoned area, so the bottoms of our joists must be 23 feet above M.S.L. Our joists are 9 feet above grade, our elevation is 17 feet above M.S.L. (see Attachment #5); therefore, our joists are 26 feet above M.S.L. (3 feet more than required.)

Area of Proposed Use:

10,591 square feet (footprint of the house 2,591, septic system approximately 500, landscape approximately 7,500 square feet plus fence surrounding lot.)

The proposed house lot will not be subdivided.

(6) **PROBABLE IMPACTS:**

Long term:

There are no long term impacts anticipated except one additional single family residence.

Short term:

Initially, during clearing and construction, there will be some unavoidable noise and dust.

(7) **MITIGATING MEASURES:**

Precautionary measures will be taken to assure that no debris, rubbish, or other construction materials will get onto any of the surrounding lands. Standard construction practices will be followed. The applicants were born and raised on Kauai, are sensitive to the beauty of the area, and are aware of their responsibility to enhance, preserve, and protect it.

(8) **DETERMINATION:**

Based on the information provided, it appears that the proposed single family residential use would be appropriate and desirable for the proposed house lot site; and would not have a significant impact on the environment. Therefore, a negative declaration is requested.

(9) **FINDINGS AND REASONS SUPPORTING DETERMINATION:**

The applicants intend to retain as much as possible and practical regarding the existing vegetation on the lot. The Hawaiian style cottage design of the house, painted Hanalei green and white, will blend in with the older cottages and with the historic nature of the area. Additionally, the applicants will comply with all agency requirements. Therefore, the impact of the proposed residence should not be significant.

EA

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KA-2769

MARYANNE W. KUSAKA
MAYOR



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DEE M. CROWELL
PLANNING DIRECTOR

IAN K. COSTA
DEPUTY PLANNING DIRECTOR

TELEPHONE (808) 241-6677
FAX (808) 241-6699

COUNTY OF KAUAI
PLANNING DEPARTMENT
4444 RICE STREET, SUITE 473
LIHUE, KAUAI, HAWAII 96766

DLNR
OCEA

April 19, 1995

The Honorable Michael D. Wilson, Chairman
Dept. of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

RS

SUBJECT: Conservation District Use Application for Construction of
a Single Family Residence at Hā'ena, Kaua'i
FILE NO.: ~~KA-2750~~ 2769

After reviewing the plans, we have determined that the project, although within the Special Management Area (SMA), is exempt according to Section 1.4.H(2) of the Kauai County SMA Rules and Regulations. This section states that "construction of a single-family residence that is not part of a larger development" is not considered "development" and therefore the proposed construction of a single-family residence is exempt.

Overall, we have no objections to the design of the home. However, we ask that the applicant comply to all rules and regulations stated in the North Shore Development Plan of the Comprehensive Zoning Ordinance (CZO) which addresses all the design criteria for that area.

Thank you for allowing us this opportunity to comment and should you have any questions, please feel free to contact Dale Cua of my staff at 241-6677.

Dee M. Crowell
for DEE M. CROWELL
Planning Director

cc: Joan Baldwin Spalding

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

35 APR 25 1995

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RAA

June 17, 1995

County of Kauai Planning Department
4444 Rice Street, Suite 473
Lihue, Kauai, Hawaii 96766

**SUBJECT: Conservation District Use Application for Construction of a
Single Family Residence at Haena, Kauai.
FILE NO.: KA 2769
TMK: 5-9-2: 44**

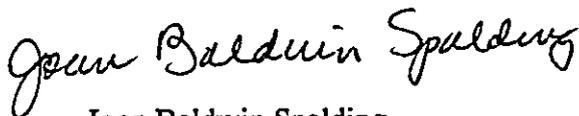
Dear Ms. Crowell:

Thank you for your letter dated April 19, 1995, stating that we are exempt from Kauai County SMA rules and regulations.

We will comply with the rules and regulations of the North Shore Development Plan of the Comprehensive Zoning Ordinance, a copy of which was kindly furnished us by your office.

We appreciate your comments on our project.

Sincerely yours,



Joan Baldwin Spalding
535 Gannett Road
Bellevue, ID 83313
(208) 788-6425 or messages at:
(208) 788-4719

JBS:ds

cc: B

KA-2769 2695

MARYANNE W. KUSAKA
MAYOR



STEVE OLIVER
COUNTY ENGINEER
TELEPHONE 241-6600

EDMOND P.K. RENAUD
DEPUTY COUNTY ENGINEER
TELEPHONE 241-6640
PW 4.163

AN EQUAL OPPORTUNITY EMPLOYER
COUNTY OF KAUAI
DEPARTMENT OF PUBLIC WORKS
3021 UMI STREET
LIHUE, KAUAI, HAWAII 96766

April 13, 1995

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

Attention: Ms. Cathy Tilton

SUBJECT: CONSERVATION DISTRICT USE APPLICATION
KA-2769, TMK: 5-9-2-44

We have completed our review of the subject application and we offer the following comments in regards to flooding:

A. Flood

1. Based on panel no. 30 of the Federal Insurance Rate Maps (FIRM) dated March 4, 1987 the captioned property is susceptible to flooding. The flood zoning is a zone VE with a corresponding base flood elevation of 23 feet above mean sea level (MSL).
2. The building plans for the proposed dwelling will need to comply with the following flood requirements:
 - a) The building plans will need to be designed and stamped by either a structural engineer or architect registered in the State of Hawaii.
 - b) The above designer will need to complete the attached structural "Certification (Coastal High Hazard)" and returned back to our office prior to obtaining our building permit approval.
 - c) The lowest framing member of the dwelling shall be elevated to or above elevation 23 feet MSL and noted on the building plans.

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

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Ms. Cathy Tilton
April 13, 1995
Page 2

- d) The lowest framing member of the store room which will receive the washer, dryer and water heater shall be elevated to or above elevation 23 feet MSL.
- e) The entry/staircase and all enclosed spaces below flood elevation shall be designed as "breakaway". "Breakaway" means any type of walls, whether solid or lattice and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which are not part of the structural support of the building and which are so designed as to be breakaway without causing displacement or other structural damage to the elevated portion of the building or supporting foundation system.
- f) All new replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from system into flood waters. Onsite waste disposal system shall be located to avoid impairment to them or contamination from them during flooding.
- g) The use of fills for structural support is prohibitive.
- h) After the lowest framing member is constructed the attached "Elevation Certificate" shall be completed by either a surveyor or civil engineer registered in the State of Hawaii.

We would like to thank you for this opportunity to provide our comments. Should you have any questions, please feel free to contact Mr. Wallace Kudo of my staff at 241-6615.

Very truly yours,

Steve Oliver
STEVE OLIVER
County Engineer

Attachment

WK/mc

ELEVATION CERTIFICATE

11

O.M.B. NO. 3067-0077
Expires May 31, 1996

ELEVATION CERTIFICATE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM

ATTENTION: Use of this certificate does not provide a waiver of the flood insurance purchase requirement. This form is used only to provide elevation information necessary to ensure compliance with applicable community floodplain management ordinances, to determine the proper insurance premium rate, and/or to support a request for a Letter of Map Amendment or Revision (LOMA or LOMR). Instructions for completing this form can be found on the following pages.

SECTION A PROPERTY INFORMATION	FOR INSURANCE COMPANY USE
BUILDING OWNER'S NAME	POLICY NUMBER
STREET ADDRESS (Including Apt., Unit, Suite and/or Bldg. Number) OR P.O. ROUTE AND BOX NUMBER	COMPANY NAIC NUMBER
OTHER DESCRIPTION (Lot and Block Numbers, etc.)	
CITY	STATE ZIP CODE

SECTION B FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

Provide the following from the proper FIRM (See Instructions):

1. COMMUNITY NUMBER	2. PANEL NUMBER	3. SUFFIX	4. DATE OF FIRM INDEX	5. FIRM ZONE	6. BASE FLOOD ELEVATION (in AO Zones, use depth)
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7. Indicate the elevation datum system used on the FIRM for Base Flood Elevations (BFE): NGVD '29 Other (describe on back)
 8. For Zones A or V, where no BFE is provided on the FIRM, and the community has established a BFE for this building site, indicate the community's BFE: feet NGVD (or other FIRM datum—see Section B, Item 7).

SECTION C BUILDING ELEVATION INFORMATION

1. Using the Elevation Certificate Instructions, indicate the diagram number from the diagrams found on Pages 5 and 6 that best describes the subject building's reference level _____.
- 2(a). FIRM Zones A1-A30, AE, AH, and A (with BFE). The top of the reference level floor from the selected diagram is at an elevation of feet NGVD (or other FIRM datum—see Section B, Item 7).
- (b). FIRM Zones V1-V30, VE, and V (with BFE). The bottom of the lowest horizontal structural member of the reference level from the selected diagram, is at an elevation of feet NGVD (or other FIRM datum—see Section B, Item 7).
- (c). FIRM Zone A (without BFE). The floor used as the reference level from the selected diagram is _____ feet above or below (check one) the highest grade adjacent to the building.
- (d). FIRM Zone AO. The floor used as the reference level from the selected diagram is feet above or below (check one) the highest grade adjacent to the building. If no flood depth number is available, is the building's lowest floor (reference level) elevated in accordance with the community's floodplain management ordinance? Yes No Unknown
3. Indicate the elevation datum system used in determining the above reference level elevations: NGVD '29 Other (describe under Comments on Page 2). (NOTE: If the elevation datum used in measuring the elevations is different than that used on the FIRM [see Section B, Item 7], then convert the elevations to the datum system used on the FIRM and show the conversion equation under Comments on Page 2.)
4. Elevation reference mark used appears on FIRM: Yes No (See Instructions on Page 4)
5. The reference level elevation is based on: actual construction construction drawings
(NOTE: Use of construction drawings is only valid if the building does not yet have the reference level floor in place, in which case this certificate will only be valid for the building during the course of construction. A post-construction Elevation Certificate will be required once construction is complete.)
6. The elevation of the lowest grade immediately adjacent to the building is: feet NGVD (or other FIRM datum—see Section B, Item 7).

SECTION D COMMUNITY INFORMATION

1. If the community official responsible for verifying building elevations specifies that the reference level indicated in Section C, Item 1 is not the "lowest floor" as defined in the community's floodplain management ordinance, the elevation of the building's "lowest floor" as defined by the ordinance is: feet NGVD (or other FIRM datum—see Section B, Item 7).
2. Date of the start of construction or substantial improvement _____

THE NATIONAL FLOOD INSURANCE PROGRAM ELEVATION CERTIFICATE

PURPOSE OF THE ELEVATION CERTIFICATE

The Elevation Certificate is an important administrative tool of the National Flood Insurance Program (NFIP).

As part of the agreement for making flood insurance available in a community, the NFIP requires the community to adopt a floodplain management ordinance containing certain minimum requirements intended to reduce future flood losses. One such requirement is that the community "obtain the elevation of the lowest floor (including basement) of all new and substantially improved structures, and maintain a record of all such information." The Elevation Certificate is one way for a community to comply with this requirement.

The Elevation Certificate is also required to properly rate post-FIRM structures, which are buildings constructed after publication of the Flood Insurance Rate Map (FIRM), for flood insurance in FIRM Zones A1-A30, AE, AO, AH, A (with Base Flood Elevations (BFE's)), V1-V30, VE, and V (with BFE's). In addition, the Elevation Certificate is also needed for pre-FIRM structures being rated under post-FIRM flood insurance rules.

Use of this certificate does not in any way alter the flood insurance purchase requirement. The Elevation Certificate is only used to provide information necessary to ensure compliance with applicable community floodplain management ordinances, to determine the proper flood insurance premium rate, and/or to support a request for a Letter of Map Amendment or Revision (LOMA or LOMR). Only a LOMA or LOMR from the Federal Emergency Management Agency (FEMA) can amend the FIRM and remove the Federal requirement for a lending institution to require the purchase of flood insurance. Note that the lending institution may still require flood insurance.

This certificate is only used to certify the elevation of the reference level of a building. If a non-residential building is being floodproofed, then a Floodproofing Certificate must be completed in addition to certifying the building's elevation. Floodproofing of a residential building does not alter a community's floodplain management elevation requirements or affect the insurance rating unless the community has been issued an exception by FEMA to allow floodproofed residential basements.

INSTRUCTIONS FOR COMPLETING THE ELEVATION CERTIFICATE

The Elevation Certificate is to be completed by a land surveyor, engineer, or other professional who is authorized by state or local law to certify elevation information when the elevation information for Zones A1-A30, AE, AH, A (with BFE's), V1-V30, VE, and V (with BFE's) is required. Community officials who are authorized by local law or ordinance to provide floodplain management information may also complete this form. For Zones AO and A (without BFE's), a building official, a property owner, or an owner's representative may also provide the information on this certification.

SECTION A Property Information

The Elevation Certificate identifies the building, its owner and its location. Provide the building owner's name(s), the building's complete street address, and lot and block number. If the property address is a rural route or PO box number, provide a legal description or an abbreviated location description based on distance from a reference point.

SECTION B Flood Insurance Rate Map Information

In order to properly complete the Elevation Certificate, it is necessary to locate the building on the appropriate FIRM, and record the appropriate information. To obtain a FIRM, contact the community or call 1-800-333-1363.

The Elevation Certificate may be completed based on either the FIRM in effect at the time of the certification or the FIRM in effect when construction of the building was started.

Items 1 - 6. Using the FIRM Index and the appropriate FIRM panel for the community, record the community number, panel (or page) number, suffix, and index date. From the appropriate FIRM panel, locate the property and record the zone and the BFE (or flood depth number) at the building site. BFE's are shown on a FIRM for Zones A1-A30, AE, AH, V1-V30, and VE; flood depth numbers are shown for Zone AO.

Item 7. Record the vertical datum system to which the elevations on the applicable FIRM are referenced. The datum is specified in the upper right corner of the title block of the FIRM.

Item 8. In A or V Zones where BFE's are not provided on the FIRM, the community may have established BFE's based on data from other sources. For subdivisions and other development greater than 50 lots or 5 acres, establishment of BFE's is required by community floodplain management ordinance. When this is the case, complete this item.

INSTRUCTIONS

The following 8 diagrams contain descriptions of various types of buildings. Compare the features of your building with those shown in the diagrams and select the diagram most applicable. Indicate the diagram number on the Elevation Certificate (Section C, Item 1) and complete the Certificate. The reference level floor is that level of the building used for underwriting purposes.

NOTE: In all A Zones, the reference level is the top of the lowest floor; in V Zones the reference level is the bottom of the lowest horizontal structural member (see diagram on page 2). Agents should refer to the Flood Insurance Manual for instruction on lowest floor definition.

DIAGRAM NUMBER 1

ALL SINGLE AND MULTIPLE FLOOR BUILDINGS (OTHER THAN SPLIT LEVEL), INCLUDING MANUFACTURED (MOBILE) HOUSING AND HIGH RISE BUILDINGS, EITHER DETACHED OR ROW TYPE (E.G., TOWNHOUSE, ETC.); WITH OR WITHOUT ATTACHED GARAGE.

Distinguishing Feature - The first floor is not below ground level (grade) on all sides*. This includes "walkout" basements, where at least one side is at or above grade. (Not illustrated)

DIAGRAM NUMBER 2

ALL SINGLE AND MULTIPLE FLOOR BUILDINGS (OTHER THAN SPLIT LEVEL), INCLUDING MANUFACTURED (MOBILE) HOUSING AND HIGH RISE BUILDINGS, EITHER DETACHED OR ROW TYPE (E.G., TOWNHOUSES, ETC.); WITH OR WITHOUT ATTACHED GARAGE.

Distinguishing Feature - The first floor or basement (including an underground garage*) is below ground level (grade) on all sides*.

DIAGRAM NUMBER 3

ALL SPLIT LEVEL BUILDINGS, EITHER DETACHED OR ROW TYPE (E.G., TOWNHOUSES, ETC.); WITH OR WITHOUT ATTACHED GARAGE.

Distinguishing Feature - The lower level is not below ground level (grade) on all sides*. This includes "walkout" basements, where at least one side is at or above grade.

DIAGRAM NUMBER 4

ALL SPLIT LEVEL BUILDINGS, EITHER DETACHED OR ROW TYPE (E.G., TOWNHOUSES, ETC.); WITH OR WITHOUT ATTACHED GARAGE.

Distinguishing Feature - The lower level (or intermediate level) is below ground level (grade) on all sides*.

* Under the National Flood Insurance Program's risk classification and insurance coverage, a floor that is below ground level (grade) on all sides is considered a basement even though the floor is used for living purposes, or as an office, garage, workshop, etc.

June 17, 1995

County of Kauai Department of Public Works
3021 Umi Street
Lihue, Kauai, Hawaii 96766

**SUBJECT: Conservation District Use Application
KA 2769, TMK: 5-9-2: 44**

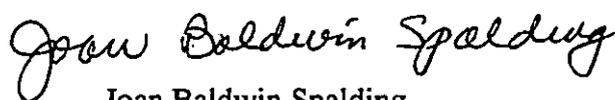
Dear Mr. Oliver:

We understand your concerns regarding the susceptibility of our lot to flooding. In response, we have moved the laundry facilities and water heater upstairs into the main part of the dwelling, which is 7 feet above ground or 26 feet above mean sea level. A storeroom built to your "breakaway" regulations and a concrete slab carport will be built under the structure.

An architect registered in the State of Hawaii will stamp the final building plans and sewage system; and a surveyor or civil engineer registered in the State of Hawaii will complete the Elevation Certificate.

Thank you for your comments and help on our project. If you have any questions, please contact me.

Sincerely yours,



Joan Baldwin Spalding
535 Gannett Road
Bellevue, ID 83313
(208) 788-6425 or messages at:
(208) 788-4719

JBS:ds

KA-2769

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April 21, 1995

CT

LOG NO: 14326
DOC NO: 9504NM16

MEMORANDUM

TO: Roger Evans, Administrator
OCEA

FROM: Don Hibbard, Administrator
State Historic Preservation Division 

SUBJECT: **CDUA KA-2769:**
Single Family Residence - Bean and Spaulding
TMK: 5-9-2: 44
Haena, Hanalei, Kauai

No archaeological surveys have taken place in the project area, so it is uncertain if significant historic sites are present. Several habitation sites and burial sites exist in the area.

Therefore, we recommend the following condition be attached to this application to ensure "no adverse effect" to significant historic sites:

- 1) An archaeological inventory survey with subsurface testing be conducted by a qualified archaeologist to determine if significant historic sites are present. Findings should be submitted to our Division for review in a report format which needs to include:
1) maps showing testing locations, 2) stratigraphic profiles of the test excavations, 3) photographs, 4) documentation of the nature and age of the deposits, and 5) a statement of significance.
 - 2) If significant historic sites prove to be present, then the applicant would need to develop an acceptable mitigation plan in consultation with our Division prior to construction.
- If you have any questions, please call Nancy McMahon 742-7033.

NM:amk

950

June 17, 1995

State Historic Preservation Division
33 South King Street - 6th Floor
Honolulu, HI 96813

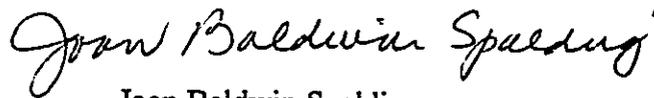
**SUBJECT: CDUA KA 2769:
Single Family Residence - Bean and Spalding
TMK: 5-9-2: 44
Haena, Hanalei, Kauai**

Dear Mr. Hibbard:

We have received your Memorandum dated April 21, 1995, and understand your concerns. We will order an archaeological survey of our lot following approval of our application by the Board of Land and Natural Resources. Mr. Hammett of Cultural Surveys has already been contacted. We will ask him to comply with all your requirements.

We appreciate your comments on our project. If you have any questions, please contact me.

Sincerely yours,



Joan Baldwin Spalding
535 Gannett Road
Bellevue, ID 83313
(208) 788-6425 or messages at:
(208) 788-4719

JBS:ds

KA-2769

240



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPIOLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813-5249
PHONE (808) 586-3777
FAX (808) 586-3799

April 11, 1995

RECEIVED

95 APR 19 A 9: 05

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

The Honorable Michael D. Wilson, Director
State of Hawaii
Department of Land & Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809

DLNR
OFFICE

95 APR 19 PM 1:33

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Re: Conservation District Use Application, Anabel Baldwin
Bean and Joan Baldwin Spaulding, KA-2769, Single Family
Residence, Haena, Kaua'i, TMK: 5-9-02:44

Dear Mr. Wilson:

Thank you for the opportunity to review the above referenced Conservation District Use Application (CDUA). The Office of Hawaiian Affairs has only one concern with this application.

OHA suggests that an archaeological survey of the property be conducted before a determination on this application is made. The Haena area is known to contain important archaeological resources. It appears that this property has not been previously graded and may therefore contain as yet undetected archaeological remains. In addition, the applicant should consider a survey which would determine the likelihood of finding Native Hawaiian remains on the property.

If you have any questions please contact Linda Delaney, Land and Natural Resources Officer or Lynn Lee, EIS Planner at 594-1888.

Sincerely,

Dante K. Carpenter
Administrator

cc: Clayton H.W. Hee, Chairperson
Board of Trustee

769

June 17, 1995

State of Hawaii
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, HI 96813-5249

**SUBJECT: Conservation District Use Application
Bean and Spalding, KA 2769,
Single Family Residence, Haena, Hui,
Haena, Kauai. TMK: 5-9-2: 44**

Dear Mr. Carpenter:

Thank you for your comments. We are in sympathy with your concerns. An archaeological survey complying with the requirements of the State Historic Preservation Division (copy included) will be made following approval of our application by the Board of Land and Natural Resources.

If you would like a copy of the Archaeological report when completed, please contact me.

We appreciate your interest in our project.

Sincerely yours,

Joan Baldwin Spalding

Joan Baldwin Spalding
535 Gannett Road
Bellevue, ID 83313
(208) 788-6425 or messages at:
(208) 788-4719

JBS:ds
Encl.

OFFICE OF THE
ASSISTANT REGISTRAR, LAND COURT
STATE OF HAWAII
(Bureau of Conveyances)

The original of this document was
recorded as follows:

DOCUMENT NO. 2069236
DATE SEP 24 1993 TIME 9:50

THE ORIGINAL OF THE DOCUMENT
RECORDED AS FOLLOWS
STATE OF HAWAII

BUREAU OF CONVEYANCES
DATE SEP 24 1993 TIME 9:50
DOCUMENT NO. 93-157107

LAND COURT SYSTEM

REGULAR SYSTEM

After Recordation, Return by: Mail () Pickup (X)

Kenneth A. Martyn, Attorney
1188 Bishop Street, Suite 2304
Honolulu, Hawaii 96813
Telephone: 531-5162

REVOCABLE TRUST OF JOAN BALDWIN SPALDING
(Short Form of Trust)

The REVOCABLE TRUST OF JOAN BALDWIN SPALDING was originally executed in the State of Hawaii on May 13, 1991, and was amended on September 14, 1993, by and between JOAN BALDWIN SPALDING as Settlor, and JOAN BALDWIN SPALDING as initial Trustee. This Short Form of Trust contains a summary of some of the provisions of the REVOCABLE TRUST OF JOAN BALDWIN SPALDING. To the extent of any conflict or ambiguity between this Short Form of Trust and the full text REVOCABLE TRUST OF JOAN BALDWIN SPALDING, the language of the full text REVOCABLE TRUST OF JOAN BALDWIN SPALDING shall prevail, but third-parties are entitled to rely on the terms set forth in this Short Form of Trust.

ARTICLE ONE

SETTLOR

The Settlor of this Trust is JOAN BALDWIN SPALDING. All references to the "Settlor" refer to JOAN BALDWIN SPALDING.

ARTICLE TWO

TRUSTEES

A. Trustees.

The initial Trustee of this Trust is JOAN BALDWIN SPALDING. If JOAN BALDWIN SPALDING dies, or for any reason is unable or unwilling to serve as Trustee of this Trust, then ARNE GORDON WESTLY, JR. shall serve as first successor Trustee of this Trust; and if ARNE GORDON WESTLY, JR. dies or is unable or unwilling to serve as a Trustee of this Trust, then the next successor Trustee shall be WARREN HUSSEY BEAN III; and if WARREN HUSSEY BEAN III dies or is unable or unwilling to serve as a Trustee of this Trust, then the next successor Trustee shall be HAWAIIAN TRUST COMPANY, LTD.

B. Trustee Incapacitated.

If at any time, as certified in writing by two licensed physicians not related by blood or marriage to the Settlor or any beneficiary of this Trust, a non-corporate Trustee of this Trust has become mentally or physically incapacitated to the point that he or she can no longer manage his or her affairs and cannot effectively serve as Trustee, whether or not a court of competent jurisdiction has declared him or her incompetent or mentally ill, then that Trustee shall no longer serve as Trustee, for so long as the disability continues (as certified by the two physicians). Any

adult beneficiary of this Trust may request, up to one time per calendar year, that a non-corporate Trustee undergo such medical examinations within 90 days of delivery of the request. Such request must be in writing and delivered to all Trustees of this Trust, and that adult beneficiary must pay in advance for the cost of such medical examinations. The Trustee in question may select the physicians to perform the examinations. If the Trustee in question does not submit to such examinations within the 90-day period, then he or she shall cease to serve as Trustee until such time as he or she has undergone the examinations.

ARTICLE THREE

PROPERTY PLACED INTO TRUST

ARTICLE THREE describes the property transferred to the Trust, such property is sometimes referred to as the "Trust Estate."

ARTICLE FOUR

TRUST PROVISIONS DURING SETTLOR'S LIFETIME

During the life of the Settlor, the Trustee shall pay as much of the net income and principal of the Trust Estate as the Settlor directs, either directly to the Settlor or in payment of any obligation of the Settlor, either in cash or in kind. Any excess income shall be added to principal. The Trust will be considered revoked with respect to any property withdrawn from the Trust Estate.

During the life of the Settlor, the Settlor reserves the right to revoke or amend this Trust.

ARTICLE FIVE

TRUST PROVISIONS TAKING EFFECT UPON THE SETTLOR'S DEATH

Upon the Settlor's death, this Trust and any sub-trust hereunder, shall become irrevocable.

ARTICLE SIX

SETTLOR'S EXPENSES AND DEATH TAXES

This Article contains provisions for the payment of certain expenses and death taxes.

ARTICLE SEVEN

DISPOSITION OF TRUST FOLLOWING DEATH OF THE SETTLOR

This Article sets forth the distribution of the Trust Estate following the death of the Settlor.

ARTICLE EIGHT

TRUSTEE'S POWERS

The Trustee, in addition to and not in limitation of all common law and statutory authority, is authorized and empowered to exercise from time to time in the Trustee's sole discretion and without prior authority from any court, in respect to any property forming a part of the Trust Estate, all powers conferred by law upon trustees generally, enumerated by H.R.S. Chapter 554A (the Uniform Trustees' Powers Act) and including, without limitation, full power to buy, sell, lease, mortgage and convey any and all property of the Trust Estate.

ARTICLE NINE

MISCELLANEOUS PROVISIONS

This Article contains miscellaneous provisions and provides that the Trust shall be governed by the laws of the State of Hawaii.

EXECUTION AND ACKNOWLEDGMENTS

IN WITNESS WHEREOF, JOAN BALDWIN SPALDING acting in her capacity as Settlor and also in her capacity as initial Trustee has hereunder set her hand on September 14, 1993, for the purpose of amending and restating the terms of the Revocable Trust of Joan Baldwin Spalding originally executed on May 13, 1991.

Joan Baldwin Spalding
JOAN BALDWIN SPALDING, Settlor

Joan Baldwin Spalding
JOAN BALDWIN SPALDING, Initial
Trustee

STATE OF IDAHO

COUNTY OF Blairstown

)
: SS.
)

On this 14 day of September, 1993, before me personally appeared JOAN BALDWIN SPALDING (acting as the Settlor and initial Trustee of the REVOCABLE TRUST OF JOAN BALDWIN SPALDING), to me known to be the person who executed the REVOCABLE TRUST OF JOAN BALDWIN SPALDING and the foregoing Short Form of Trust, and acknowledged that she executed the foregoing Short Form of Trust as her free act and deed.

Janet Key

Notary Public, State of Idaho

My Commission expires: 10-6-94

c57\spaldSF.651

DOCUMENT CAPTURED AS RECEIVED

R-209
STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
SEP 23. 1994 08:01 AM
Doc No(s) 94-156793
/s/ S. FURUKAWA
REGISTRAR OF CONVEYANCES
CONVEYANCE TAX: \$245.00

LAND COURT SYSTEM

AFTER RECORDATION, RETURN BY MAIL (X) PICK-UP ()

MS. JOAN BALDWIN SPALDING TRUSTEE
535 GANNETT PICABO ROAD
BELL BELEVUE, ID 83313
TG: 352497 PLS.
TCE: 944010092 J.
FAY T. RAPOZO (2)

TITLE OF DOCUMENT:
WARRANTY DEED

PARTIES TO DOCUMENT:
GRANTOR: CONDUIT (HAWAII) INC., a Hawaii corporation
GRANTEES: ANABEL BALDWIN BEAN, wife of Warren Bean, and
JOAN BALDWIN SPALDING, as Trustee of the Revocable
Trust of Joan Baldwin Spalding, dated May 13, 1991

PROPERTY DESCRIPTION: : LIBER/PAGE:
: :
TAX KEY: 5-9-002-044 (4) : DOCUMENT NO. :
: TRANSFER CERTIFICATE OF
: TITLE NO(S) :
:

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That CONDUIT (HAWAII) INC., a Hawaii corporation, hereinafter called the "Grantor", for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to Grantor paid by ANABEL BALDWIN BEAN, wife of Warren Bean, and JOAN BALDWIN SPALDING, as Trustee of the Revocable Trust of Joan Baldwin Spalding, dated May 13, 1991, both of whose mailing address is 535 Gannett Picabo Road, Bellevue, ID 83313, hereinafter called the "Grantees", the receipt whereof is hereby acknowledged, does hereby grant and convey unto the Grantees, the property described in Exhibit "A", attached hereto and incorporated herein, in the following manner:

ANABEL BALDWIN BEAN, wife of Warren Bean, an undivided fifty percent (50%) interest; and

JOAN BALDWIN SPALDING, as Trustee of the Revocable Trust of Joan Baldwin Spalding, dated May 13, 1991, for the uses and purposes and with the powers set forth in said Trust dated May 13, 1991, an undivided fifty percent (50%) interest, including without prejudice to the foregoing, full power and authority to sell, convey, exchange, mortgage, lease, which leases shall be valid throughout their terms, notwithstanding the prior termination of the Trust, pledge or otherwise deal with and dispose of said real property according to the sole judgment and discretion of said Trustee or her successors in trust and assigns.

The tenancy between the respective undivided interests shall be as tenants in common.

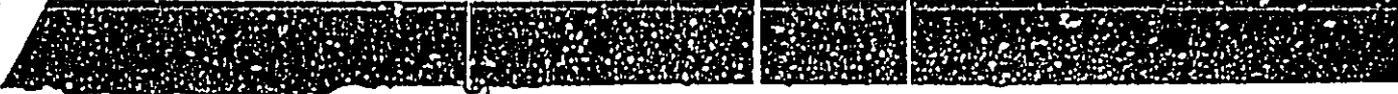
TO HAVE AND TO HOLD the same, together with all the improvements thereon, and all the rights, easements, appurte-

15:00

'0606 245 7257

TGES-KAUA I

004



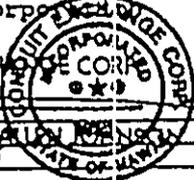
nances and remainders thereunto belonging; or in anywise apper-
 taining or held and enjoyed therewith, subject to the encum-
 brances noted in Exhibit "A", unto the Grantees, as tenants in
 common, their respective heirs, personal representatives,
 successors and assigns in fee simple.

AND the Grantor, for itself and its successors, does hereby
 covenant with the Grantees, their respective heirs, personal
 representatives, successors and assigns, that Grantor is
 lawfully seised of the premises conveyed in fee simple; that
 Grantor has good right to grant and convey the same; that the
 same are free and clear of all encumbrances, except those noted
 in Exhibit "A"; that Grantor and its successors shall forever
 warrant and defend the same unto the Grantees, their respective
 heirs, personal representatives, successors and assigns against
 the lawful claims and demands of all persons as aforesaid.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand
 this 26th day of April, 1994.

CONDUIT (HAWAII) INC.,
 a Hawaii corporation

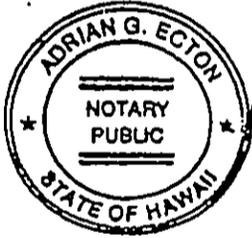
By [Signature]
 Name Frederick J. ALLEN ROSEN
 Its PRESIDENT



By _____
Name _____
Its _____

STATE OF HAWAII)
CITY AND COUNTY OF HONOLULU) ss.

On this _____ day of APR 26 1994, 1994, before me appeared J. ALLEN JOHNSON and _____, to me personally known, who, being by me duly sworn, did say that they are the PRESIDENT and _____ of CONDUIT (HAWAII) INC., a Hawaii corporation, and that the seal affixed to the foregoing instrument is the corporate seal of the corporation and that the instrument was signed and sealed on behalf of the corporation by authority of its Board of Directors, and said officers acknowledged the instrument to be the free act and deed of said corporation.



Adrian G. Ecton
Notary Public, State of Hawaii
My commission expires: 5-30-95

EXHIBIT "A"

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Ahupuaa of Haena, Royal Patent Number 3596, Land Commission Award Number 10,613, Apana 6 to Abner Paki) situate, lying and being at Halelea, Island and County of Kauai, State of Hawaii, being LOT 26 of the "HAENA HUT LANDS", and thus bounded and described:

Beginning at the southeast corner of this parcel of land, on the northside of Road "A", being also the southwest corner of Lot 25, the coordinates of which referred to Government Survey Trig. Station "NIHA 2" being 76.77 feet south and 4,512.58 feet west, and running by azimuths measured clockwise from true South:

1. 89° 18' 120.00 feet along the north side of Road "A";
2. 177° 54' 133.96 feet along remainder of Ahupuaa of Haena (Lot 27);
3. 264° 37' 123.70 feet along remainder of the Ahupuaa of Haena (Lot 28);
4. 359° 18' 144.03 feet along remainder of the Ahupuaa of Haena (Lot 25) to the point of beginning and containing an area of 16,915 square feet, more or less.

Being the land conveyed to CONDUIT (HAWAII) INC., a Hawaii corporation, by Deed dated July 30, 1991, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 93-127689.

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. Claims arising out of rights customarily and traditionally exercised for subsistence, cultural, religious, access or gathering purposes as provided for in the Hawaii Constitution or Sections 1-1 or 7-1 of the Hawaii Revised Statutes.

JOHN WAIHEE
GOVERNOR OF HAWAII



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

REF:OCEA:SKK

Keith W. Ahue, Chairperson
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

JOHN P. KEPPELER II
DONA L. HANAIKE

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION PROGRAM
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

FILE NO.: 93-663
DOC. NO.: 3024

JUL 1 1993

Mr. Michael J. Belles
Case & Lynch
Watumull Plaza
4334 Rice Street, Suite 202
Lihue, Kauai 96766-1388

RECEIVED

JUL 6 1993

KAUAI OFFICE
CASE & LYNCH

Dear Mr. Belles:

Thank you for your letter dated June 9, 1993, requesting a copy of the Haena Hui guidelines promulgated by the Board of Land and Natural Resources (Board). We have reviewed your request and have the following comments.

Upon application to the Department, the Board's policy relative to Title 13, Chapter 2, Hawaii Administrative Rules, is to consider allowing one residential house per lot for lands identified in the Haena Hui petition (approved by the Fifth Circuit Court on October 20, 1967) under the following conditions:

- a. That the applicant comply with all applicable statutes, ordinances, rules and regulations of the Federal, State, and County government, and applicable parts of Sections 6A and 6D of Departmental Regulation No. 4, as amended;
- b. No further subdivision of the lot is allowed;
- c. The house shall be used as a residence as defined in Regulation 4. (Note: Regulation No. 4 defines residence as a building used or designated and intended to be used as a house or dwelling place for one family.);
- d. Any landowner taking advantage of land use in the Limited Subzone, under this policy, do so only after the execution of a waiver and indemnity agreement;

Mr. M. Belles

-2-

File No.: 93-663

- e. Board approval relates only to lots which are categorized as "house" lots and into which acreage has been placed in Exhibit "C" Civil No. 30 in the Fifth Circuit Court approved by the court on October 20, 1967.

For your information, Exhibit "C" of Civil No. 30, shows that Tax Map Key: 5-9-2: 44, at Haena, Kauai, is categorized as having 16,915 square feet of "Good House Lots on Road." Also, parcel 44 is located in the Limited Subzone of the Conservation District.

Please be advised that Regulation No. 4 was replaced by Title 13, Chapter 2, Hawaii Administrative Rules in 1981. We have enclosed a copy of the rules and application form for your convenience.

Thank you for your cooperation in this matter. If you have any questions, please contact Cathy Tilton of the Office of Conservation and Environmental Affairs at 587-0377.

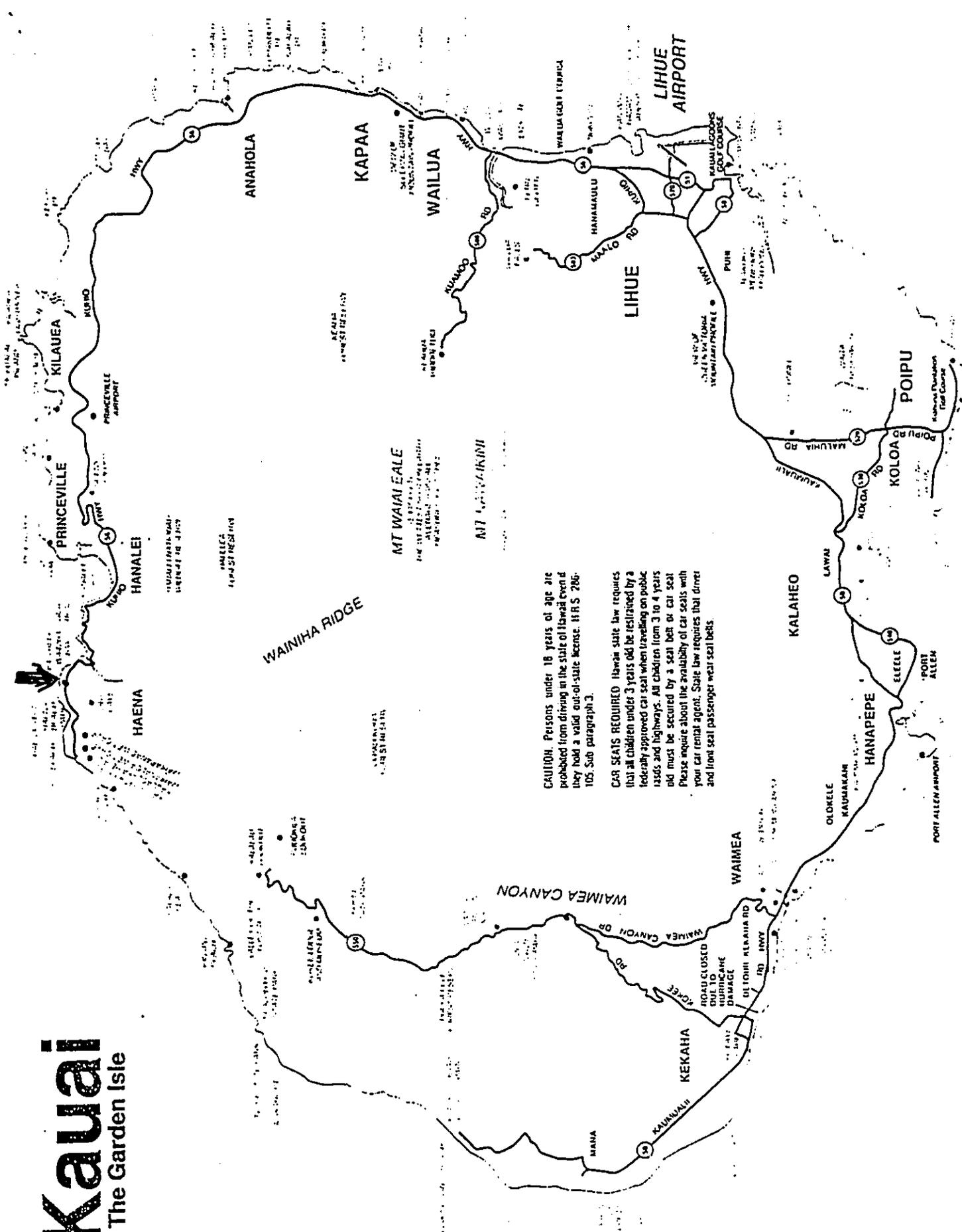
Very truly yours,


KEITH W. AHUE

Enclosure

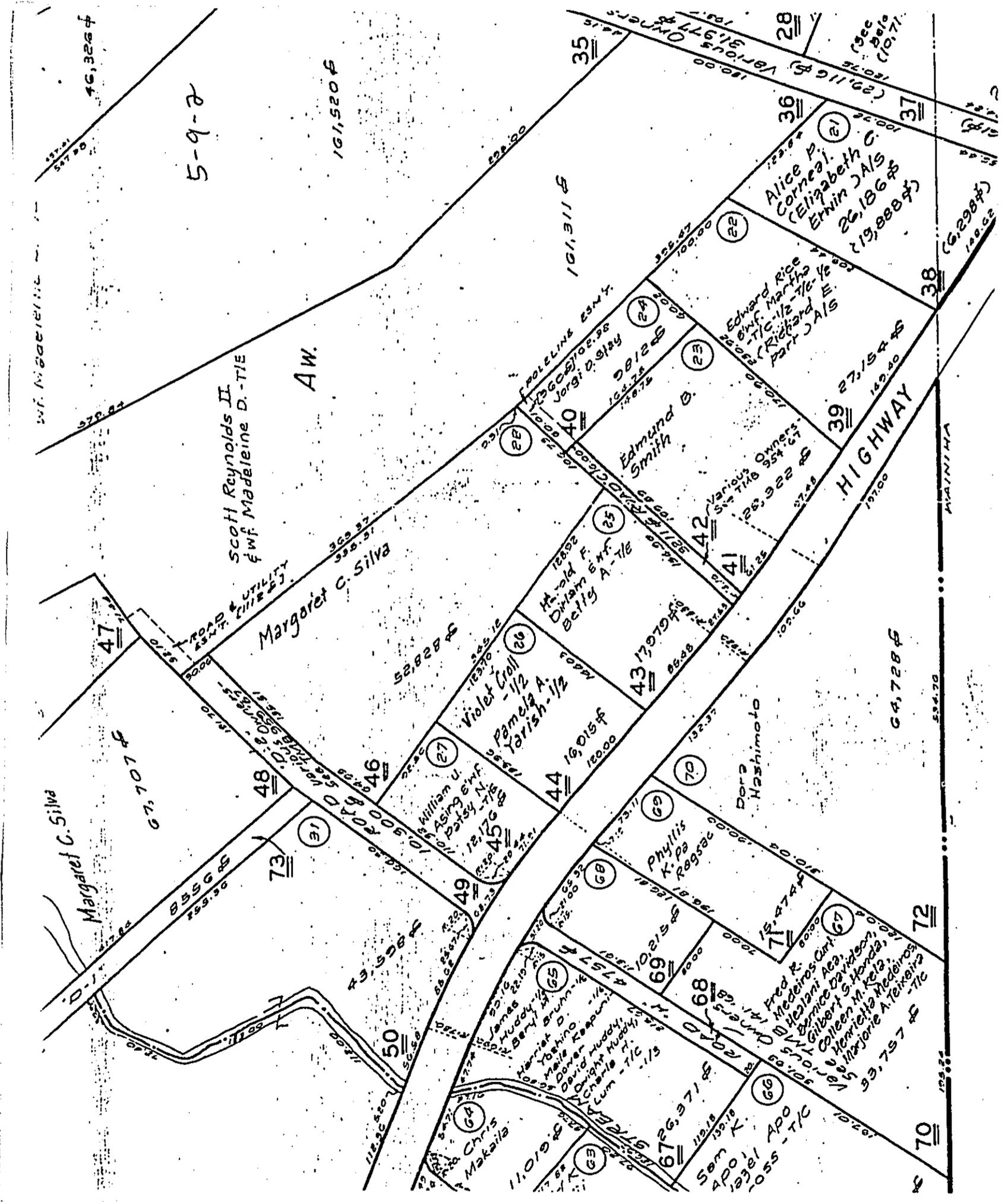
Kauai

The Garden Isle



DOCUMENT CAPTURED AS RECEIVED





46,326.4

5-9-2

161,520.6

161,311.6

wf. Madeleine

Scott Reynolds II
& wf. Madeleine D.-TIE

AW.

Margaret C. Silva

Margaret C. Silva

67,707.6

ROAD & UTILITY
234' W. TIE

Various Owners
54' TIE 354' CT

Edmund Smith

Edward Rice
& wf. Martha
(Richard
part) A/S

Various Owners
54' TIE 354' CT

Edmund Smith

Various Owners
54' TIE 354' CT

Various Owners
54' TIE 354' CT

Various Owners
54' TIE 354' CT

64,728.6

Highway

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48

46

44

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DOCUMENT CAPTURED AS RECEIVED



SUBJECT LOT

DOCUMENT CAPTURED AS RECEIVED



ADJACENT HOUSE (IN TREES)
HAENA SIDE



ADJACENT HOUSE
HANAIEI SIDE

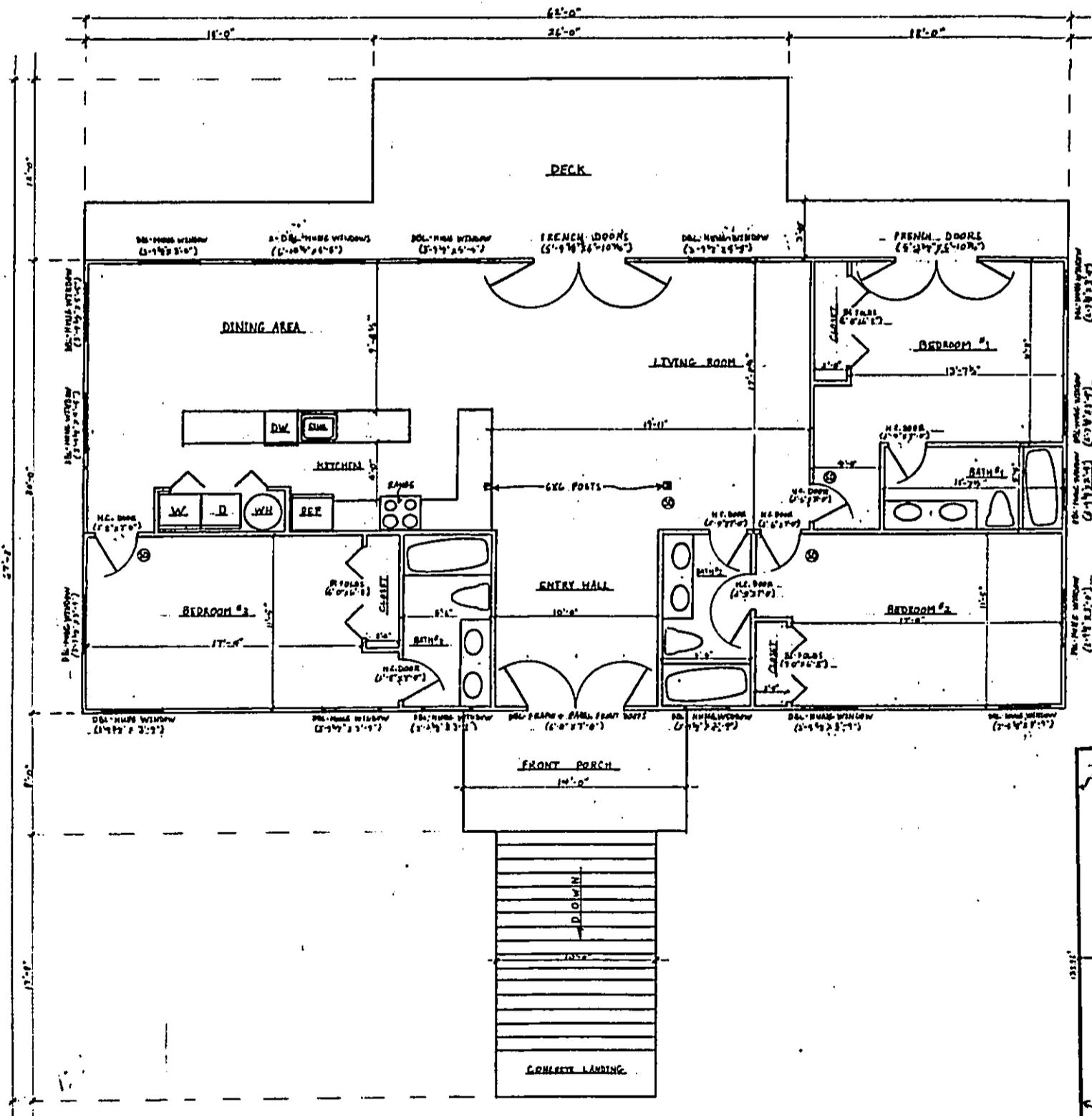


HIGHWAY HAENA DIRECTION



HIGHWAY HANAIEI DIRECTION
PAST SUBJECT LOT

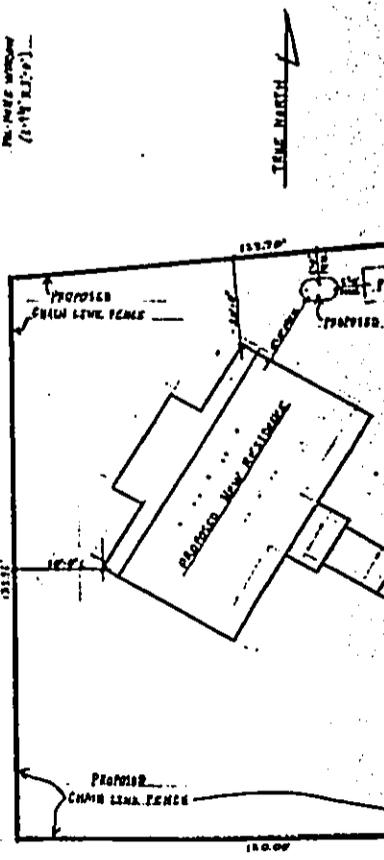
819 COLLEGE TRL @ 6:00 P.M.
(SCHEDULED BETWEEN 5:00-7:00)

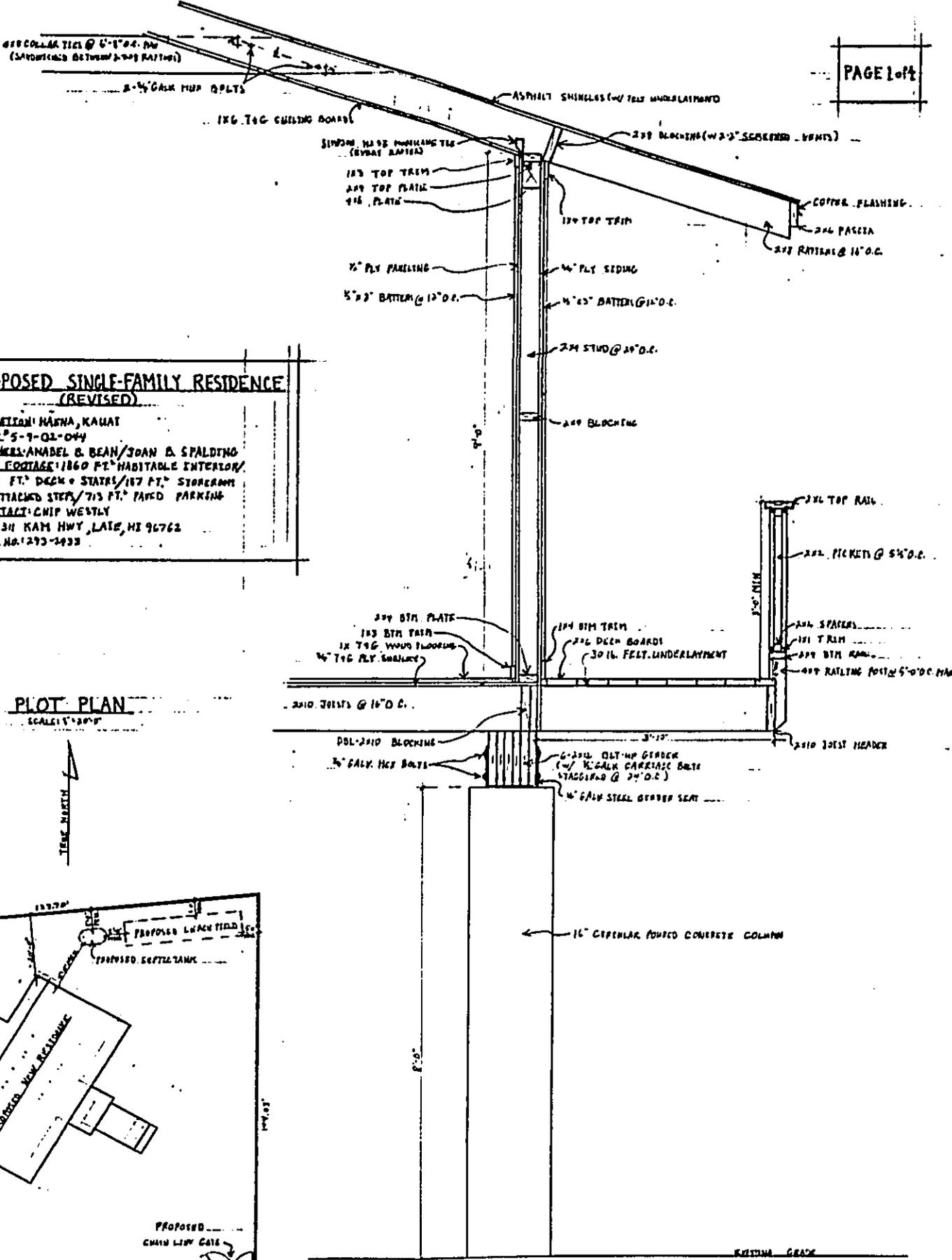


PROPOSED SINGLE-FAMILY (REVISED)

LOCATION: HAWAII, KAUAI
 TRK # 5-9-02-044
 OWNER: ANABEL B. BEAN/JOHN
 SO. FOOTAGE: 1860 FT. HAST
 707 FT. DECK + STAIRS/117
 W ATTACHED STAIRS/713 FT. PA
 CONTACT: CHIP WESTLY
 155:311 KAH HWY, LAIE, HI
 TEL. NR: 293-2433

PLOT PLAN
SCALE: 1/4" = 1'-0"



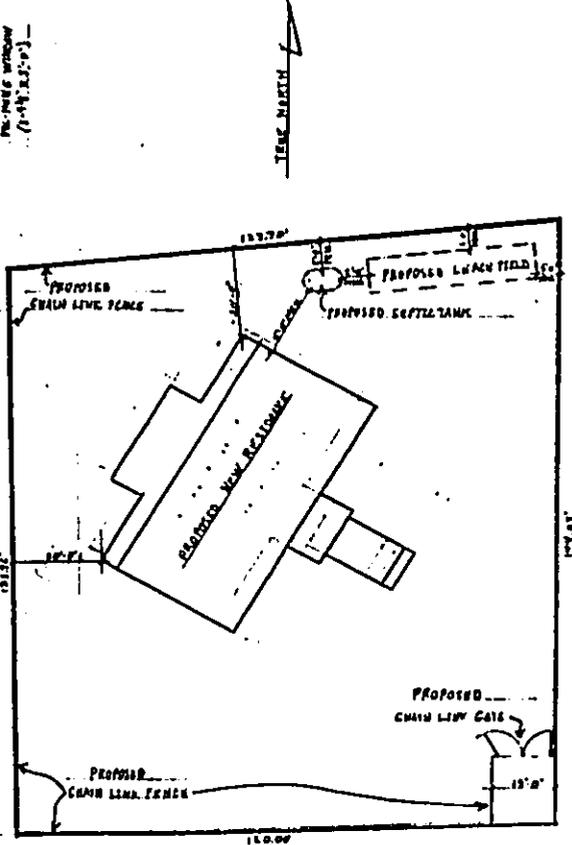


PROPOSED SINGLE-FAMILY RESIDENCE (REVISED)

LOCATION: NAHNA, KAMUAT
 TRK 5-7-03-044
 OWNERS: ANABEL & BEAN/JOAN & SPALDING
 SQ. FOOTAGE: 1860 FT² HABITABLE INTERIOR/
 709 FT² DECK + STAIRS/187 FT² STORAGE
 ATTACHED DECK/715 FT² PAVED PARKING
 CONTACT: CHIP WESTLY
 55-31 KAM HWY, LAKE, HI 96762
 TEL. NO. 293-2433

PLOT PLAN

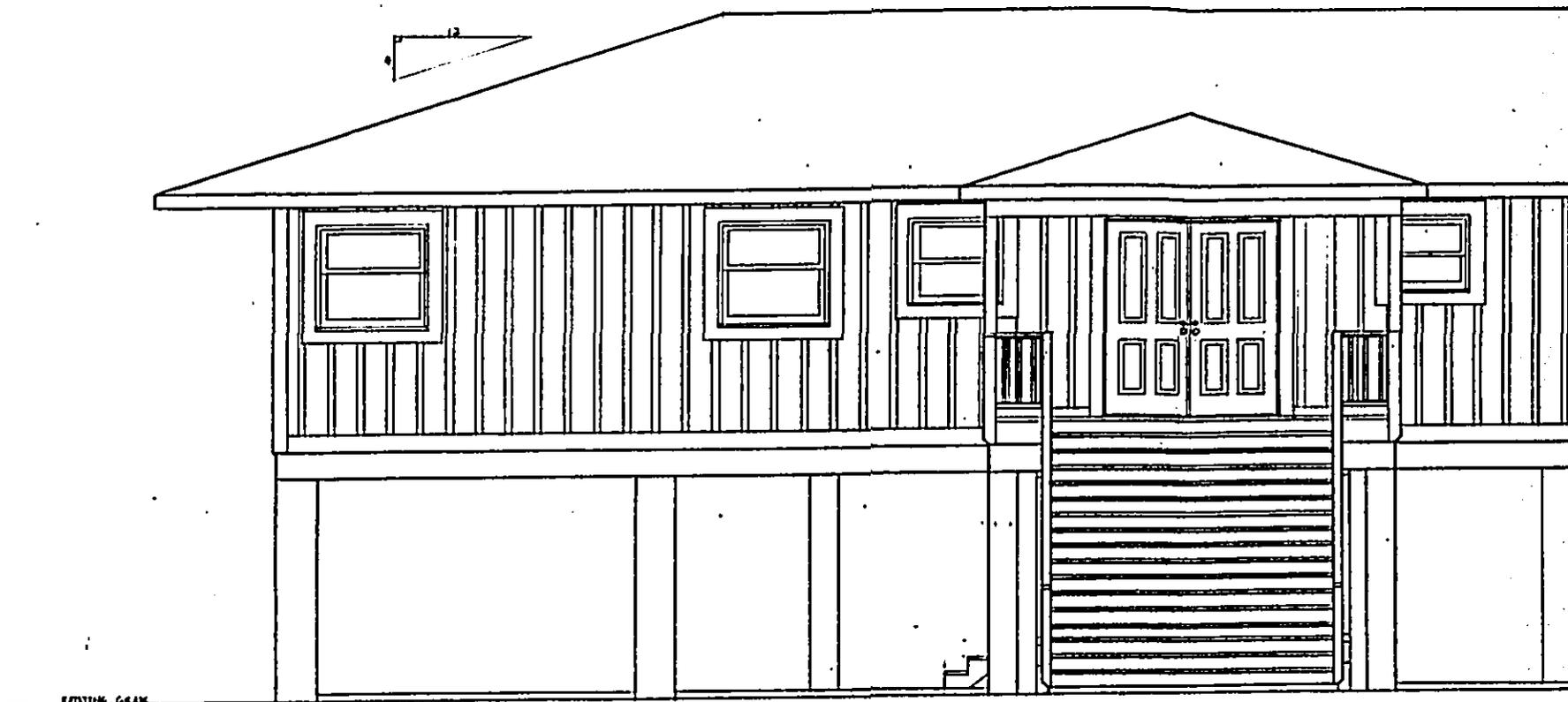
SCALE: 1"=30'-0"



CONSTRUCTION DETAIL

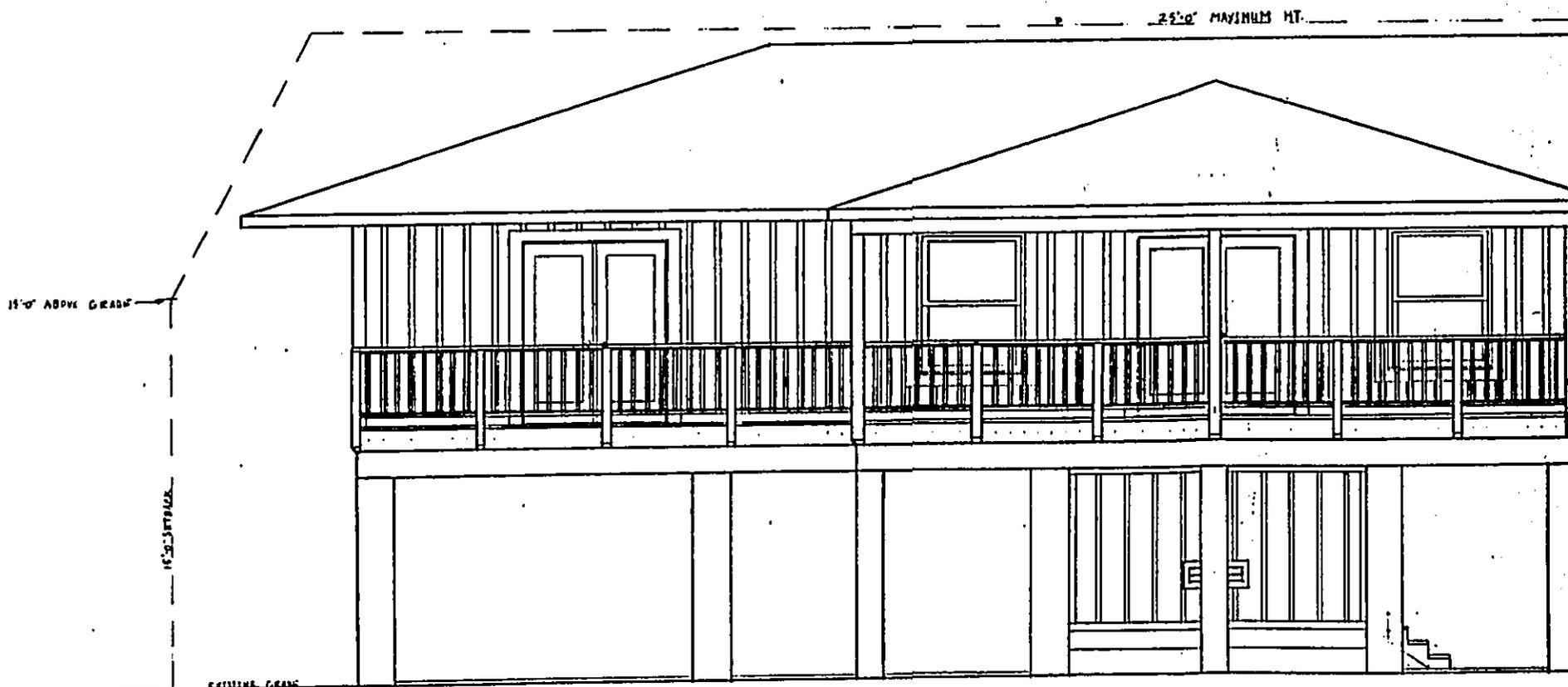
SCALE: 1"=1'-0"

KAMUAT HIGHWAY



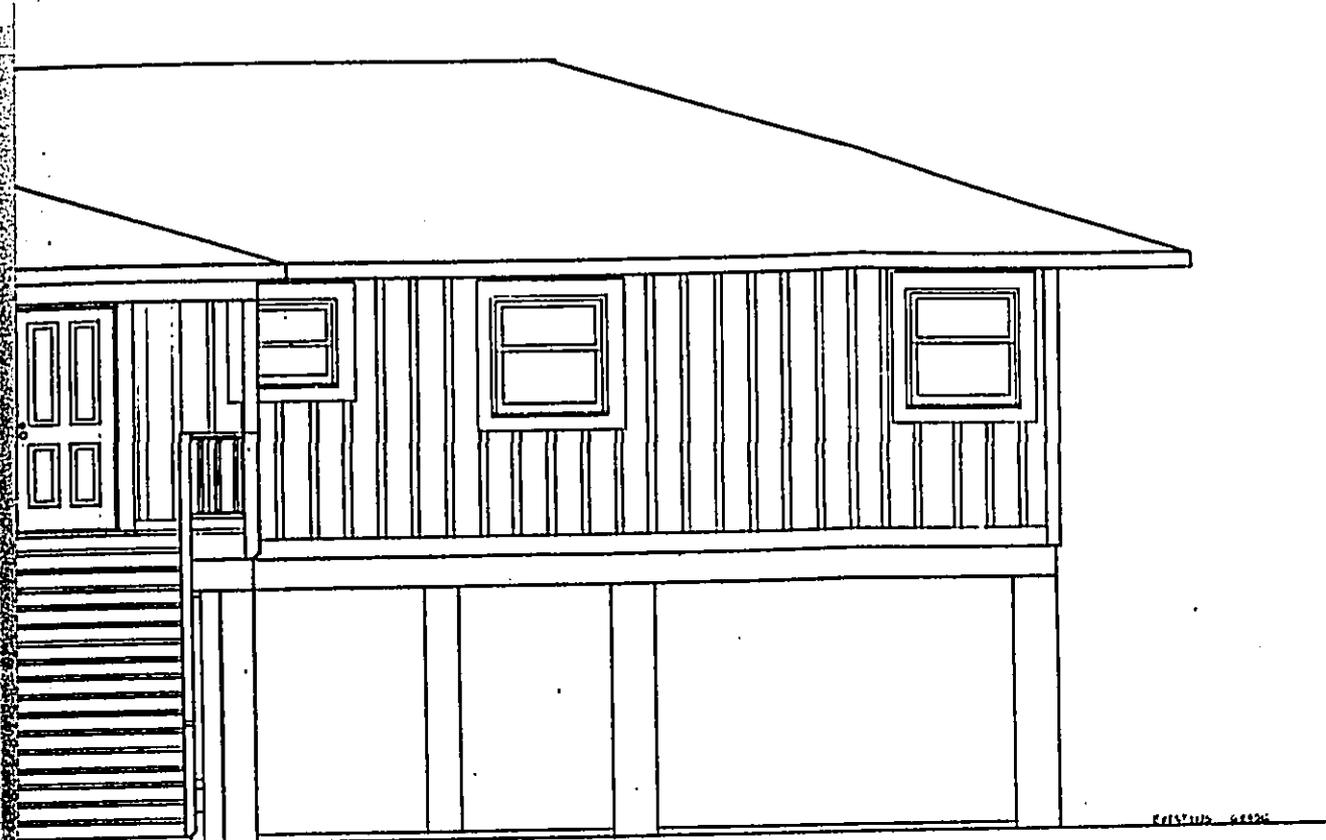
SE ELEVATION

SCALE: 1/4" = 1'-0"



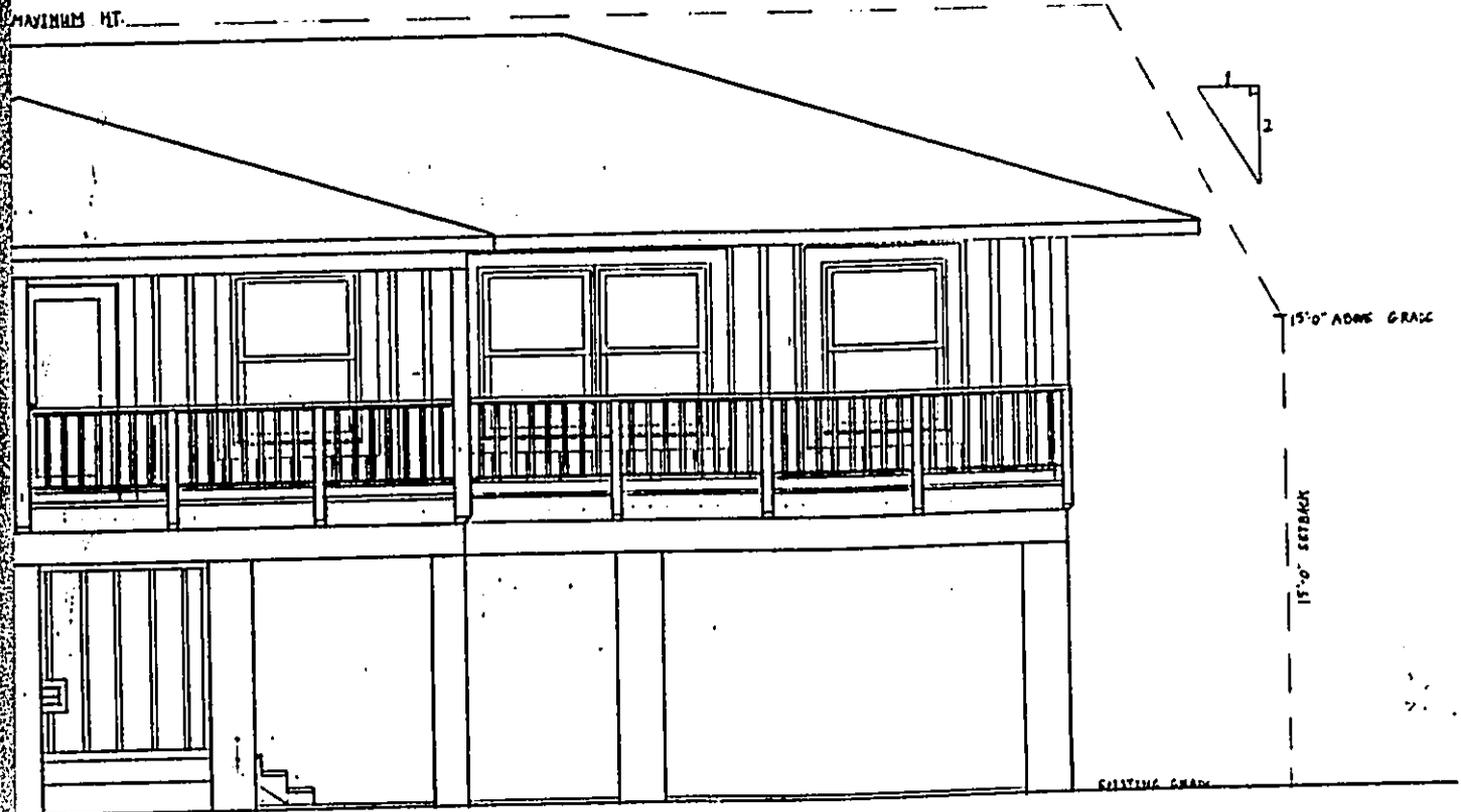
NW ELEVATION

SCALE: 1/4" = 1'-0"



ELEVATION

MINIMUM HT.



15'-0" ABOVE GRADE

15'-0" SETBACK

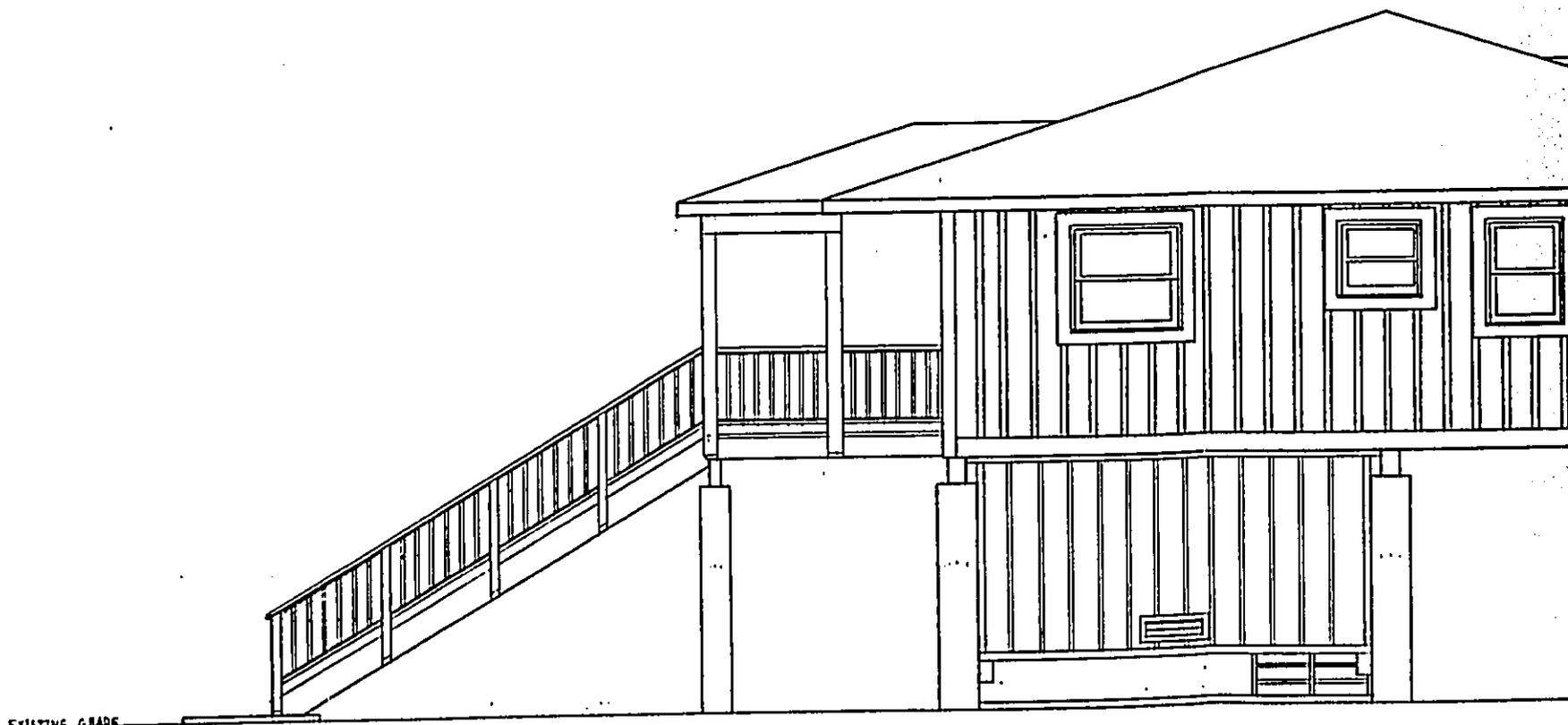
ELEVATION

SCALE 1/4" = 1'-0"



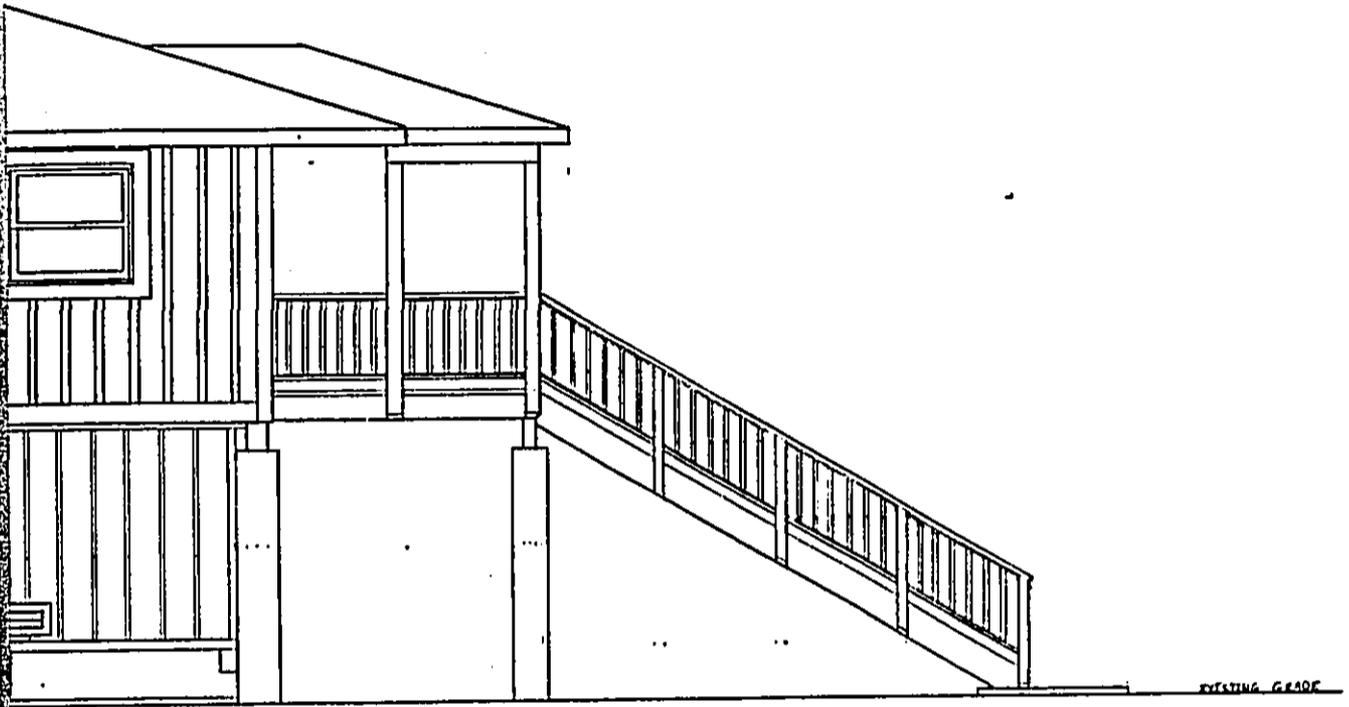
SW ELEVATION

SCALE: 3/8" = 1'-0"



NE ELEVATION

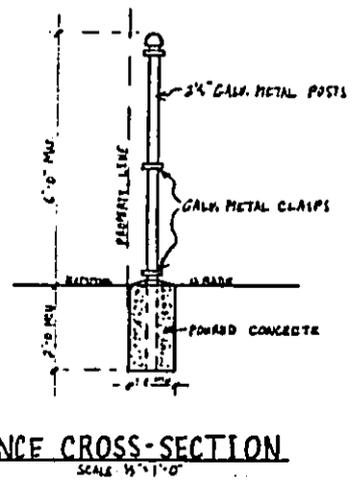
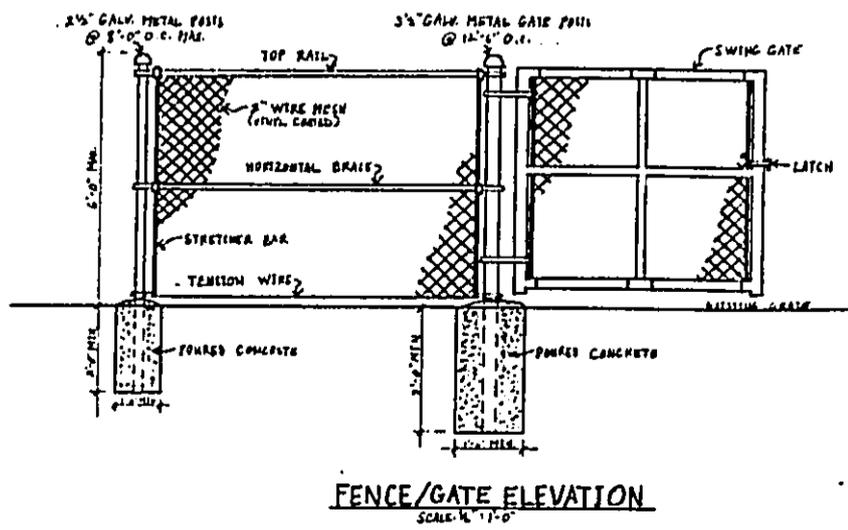
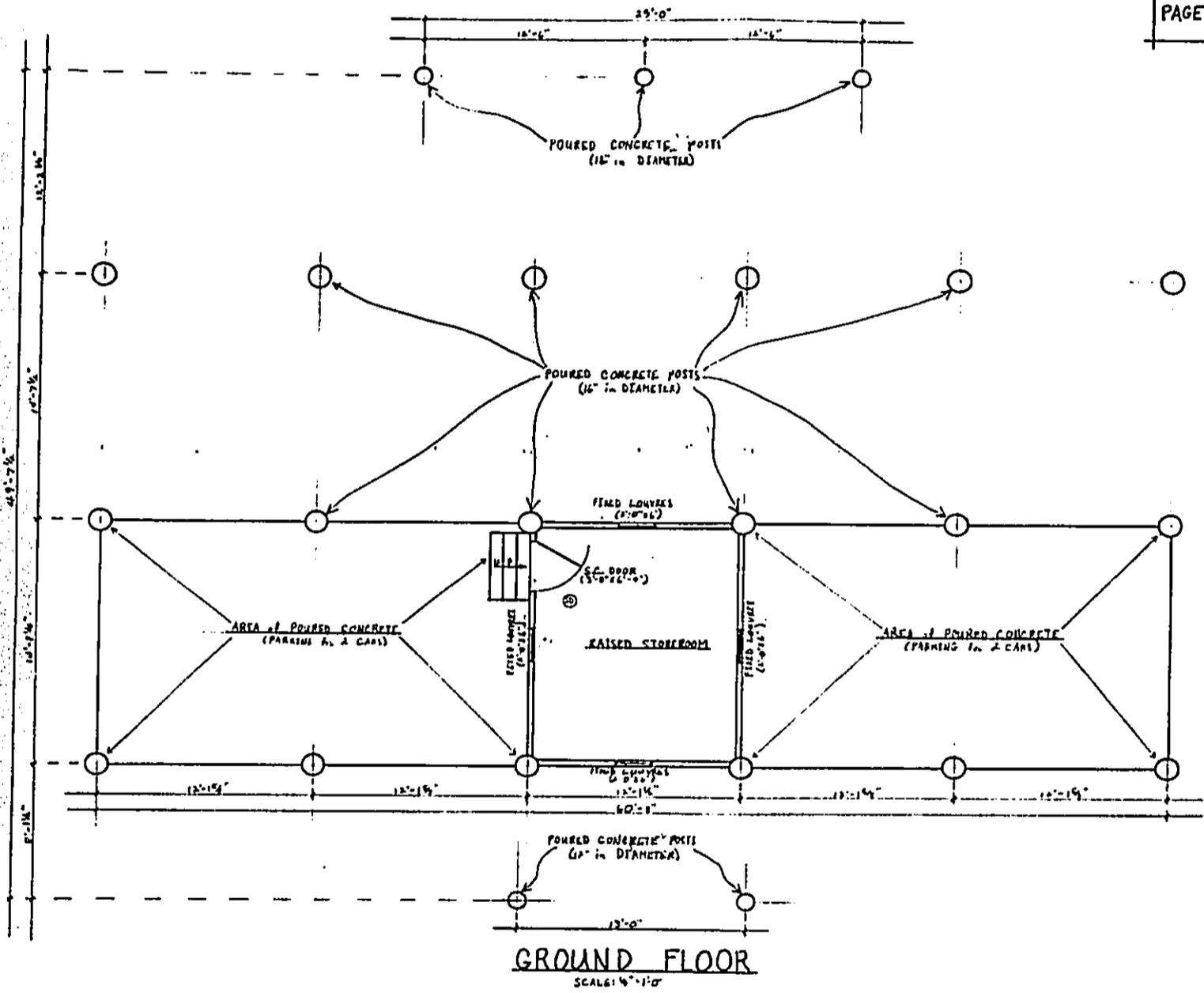
SCALE: 3/8" = 1'-0"



ELEVATION
1/4" = 1'-0"

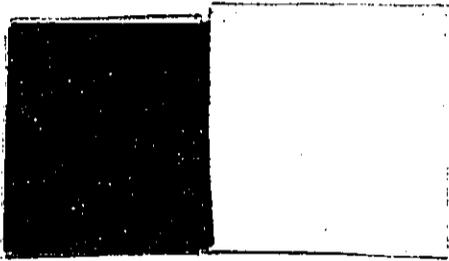


ELEVATION
1/4" = 1'-0"



EXTERIOR COLORS FOR PROPOSED DWELLING

(Matched from historic buildings)



"Hanalei Green" and "Haena Sand"

(Ameritone, Special mix)