



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

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

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OCT -6 P2:57

OCT -4 2000

OFFICE OF ENVIRONMENTAL QUALITY CONTROL

File: KA-29493

Ref.: PB:7TC

MEMORANDUM

To: Genevieve Salmonson, Director  
 Office of Environmental Quality Control *msly*

From: Dean Y. Uchida, Administrator *Uchida*  
 Land Division, Department of Land and Natural Resources

Subject: Final Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) for McBeath Single Family Residence (SFR) in the Conservation District at TMK parcel [4]5-9-02:66, Haena, Kauai

The Department of Land and Natural Resources has reviewed the comments received during the 30-day public comment period that began on July 12, 2000 for the subject project. We have determined that this project will not have significant environmental effects, and have therefore issued a FONSI. Please publish this notice in the October 23, 2000 OEQC Environmental Notice.

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

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

Enclosures

cc: Dale McBeath

124

OCT 23 2000

**FILE COPY**

2000-10-23-KA-FEA-McBeath  
Single Family Residence

**CONSERVATION DISTRICT USE**

**PERMIT APPLICATION**

**FOR**

**DALE MCBEATH**

**Part I Conservation District Use Application, OEQC form,  
and attachments to this document.**

**Part II Final Environmental Assessment**

**Part III Exhibits to Both Documents, including Maps,  
Drawings, Support Letters, and Comments and  
replies to the previous Draft EA**

January 1, 2000

■ Dale McBeath ■

re: File No. KA-2993

Sept. 4, 2000

**DLNR**  
**Lauren Tenaka**  
Case Representative  
1151 Punchbowl Street  
Honolulu, HI 96822

Dear Ms. Tenaka,

Thank you for all your assistance with this CDUA / EA. It has been a very instructive project.

Included herein please find the 5 requested copies of the completed CDUA and Final EA. As per the requests of the OEQC, the entire document was re-formatted to single space and double sided. Also note that all changes to both documents are indicated with "change bars", vertical lines in the right margins, to make review easier. There is a new OEQC form included.

At the end of the document, there is a new exhibit section which has all of the comment letters you sent, plus my replies to their offices. The information in the replies was included back into each of the main documents also.

Highlights of the changes made:

- An Archeological Inventory will be made before construction starts, as it is now a requirement of acceptance of a CDUA
- New data from the County seems to allow a slightly taller structure on the site, and I asked you to put in a request for a variance if it was indeed the case.
- Questions regarding the access drive and off road public parking / access were found not to be an issue by the County.
- Grading can occur, but no fill-ins. All excess waste from excavation must be removed from the site, and construction materials will be kept out of the drainage area.

All of the comments were addressed, and as of this date I have not heard back from any of those offices. I will most likely not be able to attend the board meeting as I live out of state, but will be happy to answer any other questions that arise as the permit progresses.

Thank you, aloha,



Dale McBeath

■  
13 Quarry  
SANRAFAEL, CALIFORNIA 94901  
415 457-3681

**CONSERVATION DISTRICT USE**

**PERMIT APPLICATION**

**FOR**

**DALE MCBEATH**

**TO CONSTRUCT A SINGLE-FAMILY RESIDENCE**

**LOCATED AT**

**HAENA, KAUAI, HAWAII**

**KAUAI TAX MAP KEY NO.S**

**(4) 5-9-2 : 66** main lot, and

**(4) 5-9-2 : 68** access road "H"

January 1, 2000

CDUA page - 1

PART 1

CONSERVATION DISTRICT USE PERMIT APPLICATION  
FOR  
DALE MCBEATH, Property (4) 5-9-2:66

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Exhibits:

Maps:

Area Plan/Location Map of the Parcel. . . . .	M-1
Tax Map of the Parcel . . . . .	M-2
SMA Map . . . . .	M-3
Subzone Boundary Map. . . . .	M-4
Kauai General Plan Map. . . . .	M-5
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Drawings:

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Side Elevation. . . . .	D-3
Floor Plan. . . . .	D-4

Supporting Documentation & Letters:

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DLNR boundary letter . . . . .	T-2
County SMA requirement letter . . . . .	T-3
Adjoining Property Owners Names and Addresses. . . . .	T-4

**Dale McBeath**  
13 Quarry Rd.  
San Rafael, CA 94901  
(415) 457-3661 home  
(510) 620-6085 work  
email: dale@pixar.com

**Timothy Johns, Chairman**  
Board of Land and Natural Resources  
State of Hawaii  
Department of Land and Natural Resources  
P. O. Box 621  
Honolulu, Hawaii 96809

**RE: Application for a Conservation District Use Permit  
For a Single-Family Residence  
Property: Haena, Kauai, Hawaii  
Kauai Tax Map Key No. (4)5-9-02:66, (28,875 square feet)**

Dear Mr. Johns:

Transmitted herewith is the Application and related environmental assessment for the above referenced Conservation District Use Permit for the construction of a single-family residence at Haena, Kauai, Hawaii. I am the purchaser of the parcel of real property containing 28,875 square feet, and a 1/4 interest in a common access roadway, all located at Haena, Kauai, Hawaii. I propose to partially clear the roadway and construct a single-family residential dwelling on the parcel which is located within the Conservation District, Limited Subzone.

Enclosed is a certified check, in the amount of \$100.00, to cover the application fees and costs associated with the application.

If you have any questions concerning this application, or if you are in need of any additional information or clarification regarding the same, please feel free to contact me at any time.

Very truly yours,

Dale McBeath,  
applicant

encl:  
Certified Check No. 0530019314 dated May 20, 2000 Wells Fargo  
420 Montgomery St., San Francisco, CA 94163 (480) 394-3122  
( and 20 COPIES of full CDUA / EA in blue binders )

## II.

### CONSERVATION DISTRICT USE APPLICATION (Rev. 12/94)

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

This is a Department of Land and Natural Resources, office of Conservation and Environmental Affairs' Conservation District Use Application (CDUA) form. This application is to be used if you desire to apply for a land use in the State Land Use Conservation District.

All land uses, pursuant to Section 13-5-2, Hawaii Administrative Rules (HAR), require that a CDUA be filed with the Department and approved by the Board of Land and Natural Resources (Board) prior to its initiation. An application is not considered accepted for processing until the Department has found it complete. Once an application is considered "complete" by the Department, a letter of acceptance will be issued and the statutory 180-day time period will begin.

Should a "complete application not be acted upon within the 180-day time limit, the landowner/applicant may automatically put said land to the use(s) requested in the application.

Unless provided for by Title 13, Chapter 5, HAR, land uses shall not be undertaken in the Conservation District.

All applications must include the following to be considered "complete" for processing:

1. Signature of the landowner(s) and applicant (if different from the applicant). Where the landowner is a corporation, trust, association, etc., evidence of authorization for the application shall be included (i.e. letter of corporation /association ion letterhead).
2. Development and environmental information required pursuant to Section 13-5-31, HAR.
3. The appropriate filing fees as specified pursuant to Section 13-5-33, HAR.

NOTE: No permit shall be processed by the Department until any violations pending against the subject parcel are resolved (Section 13-5-31(e))

4. Compliance information with all State and Federal environmental requirements. Evidence of compliance must be provided/satisfied prior to action on the CDUA.

All applications are subject to County Special Management Area (SMA) requirements. One of the following must be satisfied from your County thirty (30) days prior to Board action on your CDUA:

1. A determination that the proposed land use(s) is outside the Special Management Area (SMA) administered by the County;

(appl. page 1)

CONSERVATION DISTRICT USE APPLICATION (Rev. 12/94)

2. A determination that the proposed land use is exempt from the provisions of the County ordinances/regulations specific to Section 205A-29(b), Hawaii Revised Statutes (HRS); or
3. A Special Management Area permit for the proposed use. (Note that an SMA permit or clearance must be received by the Department prior to action on an application.)

On page four (4) of the application form, please indicate Which of the following approvals are being sought, as specified in the Hawaii Administrative Rules:

1. Departmental permit (see section 13-5-33)
2. Board permit (see section 13-5-34)
3. Emergency permit (see section 13-5-35)
4. Temporary variance (see section 13-5-36)
5. Nonconforming use(s) (see section 13-5-37)
6. Site plan approval (see section 13-5-38)
7. Management plan (see section 13-5-39)

A public hearing(s) shall be held for all applications involving the following:

1. Land use(s) for commercial purposes.
2. Change of subzone(s) or boundaries.
3. Establishment of new boundaries.
4. Change(s) in identified use(s).
5. Land use(s) in the Protective "P" subzone.
6. I-and use(s) determined by Chairperson where the scope of the proposed use, or the public interest require one.

All correspondence related to an application will be directed to the applicant.

Please submit twenty (20) copies of the completed application and all attachments, if any, and twenty (20) copies of the environmental assessment.

Please reduce or fold attachments to a letter-size exhibit (8-1/2" x 11").

Application (s) and attachment(s) should be mailed to:

or hand-delivered to:

Department of Land and Natural Resources  
Office of Conservation and Environmental Affairs  
P. O. Box 621  
Honolulu, Hawaii 96809

Kalanimoku Bldg. (Room-131)  
1151 Punchbowl Street  
Honolulu, Hawaii 96813

For information call 587-0377.

(appl. page 2)

Dec. 1994

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

CONSERVATION DISTRICT USE APPLICATION FORM

FOR DLNR USE ONLY

Reviewed by \_\_\_\_\_  
Date \_\_\_\_\_  
Accepted by \_\_\_\_\_  
Date \_\_\_\_\_  
Docket/Fine No. \_\_\_\_\_  
180-Day Exp. \_\_\_\_\_  
EIS Required \_\_\_\_\_  
PH Required \_\_\_\_\_  
Board Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_

(print or type)

SUMMARY PAGE

I. LANDOWNER

(If State land, to be filled by State of Hawaii or government entity with management control over parcel.)

Name \_\_\_\_\_ Dale McBeath \_\_\_\_\_

Address \_\_\_\_\_ 13 Quarry Rd. \_\_\_\_\_

\_\_\_\_\_ San Rafael, CA \_\_\_\_\_

\_\_\_\_\_ 94901 \_\_\_\_\_

Telephone No. \_\_\_\_\_ (415) 457-3661 \_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

II. APPLICANT

Name \_\_\_\_\_ Dale McBeath \_\_\_\_\_

Address \_\_\_\_\_ 13 Quarry Rd. \_\_\_\_\_

\_\_\_\_\_ San Rafael, CA \_\_\_\_\_

\_\_\_\_\_ 94901 \_\_\_\_\_

Telephone No. \_\_\_\_\_ (415) 457-3661 \_\_\_\_\_

Interest in Property \_\_\_\_\_ Landowner \_\_\_\_\_

\_\_\_\_\_ see Exhibit "T-1" (Title) \_\_\_\_\_

(Indicate interest in property; submit written evidence of this interest.)

\*SIGNATURE \_\_\_\_\_

Date \_\_\_\_\_

\*If for a Corporation, Partnership, Agency or Organization, must be signed by an authorized officer.

AGENT

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone No. \_\_\_\_\_

NOTE: Signature of an authorized representative of DLNR under this section is not to be construed as an approval or as an application which shall be submitted separately with the appropriate fee. Also, for private lands with multiple owners, the application shall be signed by landowners whose property interests constitute or exceed 85% of the fee ownership of the parcel(s).

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CONSERVATION DISTRICT USE APPLICATION (Rev. 12/94)

III. TYPE OF PERMIT

- (1) Departmental permit (see section 13-5-33);
- ✓ (2) Board permit (see section 13-5-34)
- (3) Emergency permit (see section 13-5-35)
- (4) Temporary variance (see section 13-5-36)
- (5) Nonconforming uses (see section 13-5-37)
- (6) Site plan approval (see section 13-5-36); or
- (7) Management plan (see section 13-5-39)

IV. LAND PARCEL LOCATION

Island Kauai  
County Kauai  
District Haena  
Tax Map Key(s) (4)5-9-2:66 & 68  
Area of Parcel 28,875 sq. ft  
(Indicate in acres or sq. ft.)  
Term (if lease) N/A

V. SUMMARY OF PROPOSED IDENTIFIED LAND USE: (Cite applicable section of Title 13-5, HAR. Attach additional sheet(s) as needed.) see attachment

VI. ENVIRONMENTAL REQUIREMENTS see attachment

Pursuant to Chapter 343, Hawaii Revised Statutes, and in accordance with Title 11; Chapter 200, Environmental Impact Statement Rules for applicant actions, a Draft Environmental Assessment of the proposed use must be attached. The Draft Environmental Assessment shall include, but not be limited to the following:

- (1) Identification of applicant or proposing agency;
- (2) Identification of approving agency, if applicable;
- (3) Identification of agencies consulted in making assessment;
- (4) General description of the action's technical, economic, social, and environmental characteristics;
- (5) Summary description of the affected environment, including suitable and adequate location and site maps;
- (6) Identification and summary of major impacts and alternatives considered, if any;
- (7) Proposed mitigation measures, if any;
- (8) Determination;
- (9) Findings and reasons supporting determination; and
- (10) Agencies to be consulted in the preparation of the EIS, if applicable.

Following the end of a 30-day review period for the Draft Environmental Assessment, any comments received along with their responses must be incorporated into the Final Environmental Assessment. If appropriate, the text, figures, tables, maps, and other ancillary parts of the Environmental Assessment should be revised.

(appl. page 4)

CONSERVATION DISTRICT USE APPLICATION (Rev. 12/94)

VII. DESCRIPTION OF PARCEL see attachment

- A. Existing structures/use. (Attach description or map and one set of original photographs. Also, if applicable, include any previously obtained Federal, State and/or County permit approvals.)
- B. Existing Utilities. (If available, indicate size and location on map. Include electricity, water, telephone, drainage, and sewerage.)
- C. Existing access. (Provide map showing roadways, trails, if any. Give street name. Indicate width, type of paving and ownership.)
- D. Flora and Fauna. (Describe and provide map showing location and types of flora and fauna. Indicate if rare or endangered native plants and/or animals are present.)
- E. Topography; if ocean area, give depths. (Submit contour maps for ocean areas and areas where slopes are 40% or more. Contour maps will also be required for uses involving tall structures, gravity flow and other special cases.)
- F. If shoreline area, describe shoreline. (Indicate if shoreline is sandy, muddy, rocky, etc. Indicate cliffs, reefs, or other features such as access to shoreline.)
- G. Existing covenants, easements, restrictions. (If State lands, indicate present encumbrances.)
- H. Historic sites affected. (If applicable, attach map and descriptions.)

VIII. COMMENCEMENT DATE: see attachment

COMPLETION DATE: see attachment

IX. CITE AND DESCRIBE IN DETAIL THE PROPOSED IDENTIFIED LAND USE:  
(Refer to Title 13-5, HAR. Attach additional sheets as needed.) see attachment

X. AREA OF PROPOSED USE: aprox 28,875 sq ft.  
(Indicate in acres or sq. ft.)

XI. NAME AND DISTANCE OF NEAREST TOWN OR LANDMARK:  
Haena Beach Park, 1/4 mile West

XII. LAND USE COMMISSION BOUNDARY INTERPRETATION: If the area is within fifty feet of the boundary of the Conservation District, include a map showing the interpretation of the boundary by the State Land Use Commission.

N/A see Exhibit "M-4"

CONSERVATION DISTRICT USE APPLICATION (Rev. 12/94)

XIII. **SUBZONE BOUNDARY DETERMINATION:** Prior to the department receiving for processing any application for a permit, if the applicant's proposed land use lies within fifty feet of a subzone boundary, the applicant shall first notify the department of the intended use and seek a determination of the precise boundary of the subzone with respect to the parcel in question. (Refer to Section 13-5-17, HAP.)

N/A see Exhibit "M-4" Map, and "T-2" letter

XIV. **FEES.** Each application shall be accompanied by such filing fees as specified in Chapter 13-5, HAR. All fees shall be in the form of cash, certified or cashier's check, and payable to the State of Hawaii. sent with application

XV. **PLANS.** All applications shall contain associated plans such as a location map, site plan, floor plan, elevations and landscaping plans drawn to scale. Additionally, all plans should include a north arrow and graphic scale.

A. **Area Plan.** Area plan should include, but not be limited to, relationship of proposed uses to existing and future uses in abutting parcels; identification of major existing facilities; names and addresses of adjacent property owners. see Exhibit "M-1" and "T-4"

B. **Site Plan:** Site plan (maps) should include, but not be limited to, dimensions and shape of lot; metes and bounds, including easements and their use; existing features, including vegetation, water area, roads, and utilities. (For Site Plan Approvals, see Section 13-5-38, HAR.) see Exhibit "M-7"

C. **Construction Plan:** Construction plans should include, but not be limited to, existing and proposed changes in contours, all buildings and structures with indicated use and critical dimensions (including floor plans); open space and recreation areas; landscaping, including buffers; roadways, including widths; off-street parking area; existing and proposed drainage; proposed utilities and other improvements; revegetation plans; drainage plans including erosion sedimentation controls; and grading, trenching, filling, dredging or soil disposal. see Exhibit "M5" through "M-9", and Exhibits "D-1" through "D-4"

D. **Maintenance Plans:** For all uses involving power transmission, fuel lines, drainage systems, unmanned communication facilities and roadways not maintained by a public agency, plans for maintenance shall be included.

E. **Management Plans:** If required, refer to Section 13-5-39, HAR, and Exhibit 3, entitled "Management Plan Requirements, dated September 6, 1994 .

F. **Historic or Archaeological Site Plan:** Where there exists historic or archaeological sites on the State or Federal Register, a plan must be submitted including a survey of the site(s); significant features; protection, salvage, or restoration plans. see attachment

XVI. DEMONSTRATE THAT THE PROPOSED USE IS CONSISTENT WITH THE FOLLOWING CRITERIA:

see attachment

1. The proposed land use is consistent with the purpose of the Conservation District;
2. The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur;
3. The proposed land use complies with provisions and guidelines contained in Chapter 205A, Hawaii Revised Statutes (HRS), entitled "Coastal Zone Management," where applicable;
4. The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region;
5. The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels;
6. The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable;
7. Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District; and
8. The proposed land use will not be materially detrimental to the public health, safety and welfare.

(appl. page 7)

IV.

DALE McBEATH, Applicant  
13 Quarry Rd.  
San Rafael, CA 94901  
Telephone No.: (415) 457-3661  
or (510) 620-6085  
email: dale@pixar.com

BOARD OF LAND AND NATURAL RESOURCES  
OF THE  
STATE OF HAWAII

In the Matter of the	)	
Application	)	APPLICATION FOR CONSERVATION
	)	DISTRICT USE PERMIT FOR
Of	)	CONSTRUCTION OF A SINGLE-FAMILY
	)	RESIDENCE
DALE McBEATH, for a	)	
Conservation District Use	)	
Permit to Construct a	)	
Single-Family Residence on	)	
real property situated at	)	
Haena, Kauai, Hawaii, and	)	
further identified by Kauai	)	
Tax Map Key No.s (4)5-9-2:66,	)	
main lot, and (4)5-9-2:68,	)	
the access road.	)	

APPLICATION FOR CONSERVATION DISTRICT USE  
PERMIT FOR CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE

I. LANDOWNERS.

TMK No. (4)5-9-2:66. Main Parcel.

DALE McBEATH, owner of record as of October 25, 1999  
13 Quarry  
San Rafael, CA 94901  
(415) 457-3661

TMK No. (4)5-9-2:68. Each of the following owns an undivided 1/4 interest in ROAD "H", which is the only access to the above property:

DALE McBEATH, 25% interest  
13 Quarry  
San Rafael, CA 94901  
(415) 457-3661

Mark Maxin, 25% interest  
336 Corbett Ave.  
San Francisco, CA 94114-1819

Herbert/Helene Sukanuma 25% interest  
60 Todd Ave.  
Hilo, HI 96720

Michael Schmidt 25% interest  
PO Box 3118  
Princeville, HI 96722

**II. APPLICANT.**

**A. Applicant.**

Name: Dale McBeath  
(hereinafter referred to as "Applicant").

Address: 13 Quarry Road  
San Rafael, California,  
94901

Phone No.: (415) 457-3661

**III. TYPE OF PERMIT.**

The Applicant is applying for a Conservation District Use Permit ("CDUP") for a UsePermit pursuant to HAR Sections 13-5-23(c) (D-1), 13-5-34, 13-5-41, and 13-5-42, for the construction of a single-family residential dwelling on a parcel of land.

**IV. LAND PARCEL LOCATION**

Island/County:	Kauai
District:	Haena
Kauai Tax Map Key No.	(4)5-9-2:66 (and :68)
Area of Parcel:	28,875 square feet, main lot (4,757 square feet, road "H")

**V. SUMMARY OF PROPOSED IDENTIFIED LAND USE.**

The Applicant proposes to construct a single-family residential dwelling (hereinafter referred to as the "Dwelling") on a parcel of land identified as TMK No. (4)5-9-2:66 (hereinafter referred to as the "Parcel") and to partially clear the only access to the Parcel, identified as TMK No. (4)5-9-2-68 (hereinafter referred to as "Road "H"").

**Attached Exhibits:**

Exhibit "M-1". Area maps showing the location of the Parcel  
Exhibit "M-2". Tax Map showing the location of the Parcel  
Exhibit "M-3". The Special Management Area map  
Exhibit "M-4". The DLNR Subzone Boundary map  
Exhibit "M-5". Kauai General Plan map  
Exhibit "M-6". Survey Map of the parcel  
Exhibit "M-7". A Site Plan of proposed Dwelling on Parcel  
Exhibit "M-8". Grading Plan  
Exhibit "M-9". Landscaping/Tree-Removal Plan  
Exhibits "D-1" thru "D-4". Dwelling Floor Plan & Elevations  
Exhibits "T-1" thru "T-4". Supporting Documentation  
Exhibits "C". Requested Comments from Draft EA and replies

The proposed Dwelling will not exceed three thousand five hundred (3,500) square feet in size. It will be constructed primarily of wood, with a non-reflective roof, and will have a foundation made of concrete or wood columns on concrete footings. The Dwelling will not exceed thirty (30) feet, or the maximum allowed height. It will be painted earth-tone colors. The proposed dwelling will have two (2) bedrooms, two (2) bathrooms, a living room/dining-room/kitchen, a laundry/pantry room, and porch. The proposed dwelling will utilize a septic system for disposal of waste water. The Site Plan showing the location of the dwelling and septic system is attached as Exhibit "M-7". Joe Tateyama of the Kauai Department of Health, Waistwater Management Division was contacted and stated that the septic system will be designed by an engineer registered with the County of Kauai, and will be designed and placed according to all applicable rules and guidelines. The County Department of Health will comment and issue permits at the time the county permit is applied for.

As indicated in the Title Report attached hereto as Exhibit "T-

1", the Parcel is a legal lot of record. The metes and bounds survey of the Parcel is contained in the Title Report.

The only access to the Parcel is via the aforementioned Road "H", of which the applicant owns an undivided 1/4 interest. The road is a narrow 20 foot wide, approximately 200 foot long parcel which abuts the properties of the four landowners, and extends from Kuhio Highway south to the North-East corner of the Parcel. The roadway will have to be partially cleared to allow access to the Parcel. see Exhibits "M-8" and "M-9".

#### VI. ENVIRONMENTAL REQUIREMENTS.

see Attachment, "Part 2", The Environmental Assessment.  
As indicated in the Environmental Assessment, the proposed construction of the dwelling on the Parcel will not result in any significant environmental impacts. Please note the changes in that document from the Draft version, delineated by "change bars" like those to the right of this paragraph, and also note that the comments generated by the Draft version, along with the replies are contained in the Exhibit "C" documents.

#### VII. DESCRIPTION OF PARCEL AND STATE PROPERTY.

- A. Existing Structures/Use. The Parcel is vacant and unimproved.
- B. Existing Utilities. There are utilities on Kuhio Highway, and as such, are available to provide all necessary utility services.
- C. Existing Access. As indicated in Section V., access will be from Kuhio Highway via access Road "H" to the Parcel.
- D. Flora and Fauna. As indicated in the Environmental Assessment attached hereto, there are no rare or endangered native plants and/or animals present on the Parcel which will suffer substantial negative impacts from the proposed construction of the dwelling. The primary types of vegetation present on the Parcel or in the area where the residence will be constructed are False Kamani, Madagascar Olive, Kukui trees, a few Coconut palms, and various volunteer shrubs and vines. It may be necessary to remove approximately six (6) or more trees in order to make space to construct the dwelling and to clear access via Road "H".
- E. Topography. The Parcel is located on a gently rising and

relatively flat elevation. The proposed dwelling will be constructed approximately on the back of the parcel. The elevation of the Parcel is approximately fifteen (15) feet above mean sea level ("msl") at the highest point of the parcel.

- F. Shoreline area. The Parcel is not located directly on a shoreline, however, the county shoreline management district will review county permits. The parcel is located in both AE and VE Flood Zones, and construction will comply with NFIP and County Ordinances.
- G. Existing Covenants, Easements Or Restrictions. The Parcel is not subject to any existing covenants, easements or restrictions.
- H. Historic Sites. There are no known historic, cultural or archaeological sites on the Parcel. The construction of the proposed dwelling will not affect any known historic sites. Applicant warrants that in the event of inadvertent burial discovery, he will immediately cease all construction activity and notify the DLNR Historic Preservation Division pursuant to all applicable laws, rules and regulations.

Several walk-throughs of the subject property did not disclose any apparent historical or archeological significant sites, but it is understood that the SHPD requires that an archeological inventory be conducted prior to clearing or construction. Should the survey or actual construction disclose the presence of such sites, the State Historic Preservation Division of the DLNR and the Kauai Island Burial Council will be notified and work immediately halted until an appropriate resolution is reached in accordance with all applicable laws, rules and regulations. Nancy McMahon of the DLNR/State Historic Preservation Division has been contacted.

#### VIII. COMMENCEMENT/COMPLETION DATES.

The construction of the proposed dwelling will commence within one (1) year of the approval of the CDUA. Construction is estimated, barring any unforeseen circumstances, to be completed within three (3) years after approval. There are too many variables, especially since engineering drawings have not yet been ordered, to lock dates more accurately.

#### IX. PROPOSED LAND USE.

The Applicant intends to construct a single-family dwelling unit on the Parcel for residential purposes pursuant to HAR

Sections below:

13-5-23(c)(4)	requires board permit
13-5-23(L-6)(D-1)	Single Family Residence
13-5-23(L-3)(D-1)	Erosion Control
13-5-23(L-4)(C-1)	Landscaping
13-5-34	Board Permit
13-5-41	Single Family Residence standards

**X. AREA OF PROPOSED USE.**

The Parcel is 28,875 square feet in size (aprox. 2/3 acre). The specific portion of the Parcel to be utilized for the construction of the Dwelling is shown on the Site Plan attached hereto as Exhibit "M-7".

**XI. NEAREST TOWN/LANDMARK.**

The Parcel is located in Haena, Kauai, Hawaii. Haena Beach Park is approximately one-fourth (1/4) mile from the Parcel.

**XII. LAND USE COMMISSION BOUNDARY.**

The subzone map from Land Use Commission is attached hereto as Exhibit "M-4". The Parcel is located in the Conservation District.

**XIII. SUBZONE BOUNDARY.**

The Parcel is located within the Limited Subzone, as shown on the map attached hereto as Exhibit "M-4". The Parcel is not within fifty feet of a subzone Boundary, and is surrounded by parcels within the Limited Subzone. see Exhibit "T-2".

**XIV. FEES.**

Fees have been paid pursuant to the requirements of HAR Sections 13-5-32, and checked via phone conversation with DLNR representative Tom Eisen on 5/19/2000, who indicated that a single fee of \$100 will cover all aspects of the application, including:

13-5-32	certified check
13-5-34	application fee, plus
	major part of one acre
13-5-38	site-plan approval

**XV. PLANS.**

A. Area Plans. See Exhibits "M-1" through "M-5".

- B. Site Plans. See Exhibit "M-6" through "M-9".  
C. Construction Plan. See Exhibits "D-1" through "D-4".

**XVI. CONSISTENCY WITH APPLICABLE CRITERIA.**

The proposed use of the Parcel to construct a dwelling is compatible with the provisions of HAR Section 13-5-23, the purposes of the Conservation District, and the objectives of the Limited Subzone. As indicated in the Environmental Assessment, the proposed use will not cause any substantial adverse impact to existing natural resources within the surrounding area, community or region. The proposed dwelling, which will be constructed in accordance with the provisions of HAR Sections 13-5-41 and 13-5-42, will be appropriate in size and unobtrusive in design and color, and, as such, will be compatible with the locality and surrounding areas, and will be appropriate to the physical conditions and capabilities of the Parcel. The dwelling will be constructed with a minimum amount of modification to the Parcel so as to preserve the existing physical and environmental aspects of the Parcel, including its natural beauty, landscaping and open space characteristics. The proposed uses will not be materially detrimental to the public health, safety and welfare.

**XVII. CONCLUSION.**

The Applicant respectfully requests that the Conservation District Use Application be approved and that the Applicant be granted a Conservation District Use Permit for the construction of a single-family residential dwelling on the Parcel.

DATED: Lihue, Kauai, Hawaii, September 1, 2000.

  
DALE MCBEATH,  
Applicant

PART 2 of the CONSERVATION DISTRICT USE PERMIT APPLICATION  
FOR

DALE MCBEATH, Parcel (4)5-9-2:66 & Road "H" (4)5-9-2:68

**ENVIRONMENTAL ASSESSMENT**

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DALE McBEATH, Applicant  
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San Rafael, CA 94901  
Telephone No.: (415) 457-3661  
or (510) 620-6085

email: dale@pixar.com

BOARD OF LAND AND NATURAL RESOURCES  
OF THE  
STATE OF HAWAII

In the Matter of the	)	
Application	)	FINAL ENVIRONMENTAL ASSESSMENT
	)	
Of	)	(WITH REQUESTED CHANGES AND
	)	
DALE McBEATH, for a	)	REPLIES TO REQUESTS FOR COMMENTS
Conservation District Use	)	
Permit to Construct a	)	FROM THE DRAFT EA)
Single-Family Residence on	)	
real property situated at	)	
Haena, Kauai, Hawaii, and	)	
further identified by Kauai	)	
Tax Map Key No.s (4)5-9-2:66,	)	
main lot, and (4)5-9-2:68,	)	
the access road.	)	
_____	)	

ENVIRONMENTAL ASSESSMENT

As landowner of record and applicant, I, Dale McBeath respectfully submit the following Environmental Assessment pursuant to the requirements contained in Chapters 343 and 344 of the Hawaii Revised Statutes and in Title 11, Chapter 200, and Title 13, Chapter 5, of the Hawaii Administrative Rules.

This is the Final Environmental Assessment (amended Draft EA) which includes my replies to comments received, and revised grading and archeological notes based on those comments.

See Comments in the Exhibits section for copies of letters and replies.

Items changed/clarified in this EA (noted with "change bar" on right of page:

- added contact info for agencies queried.
- drainage and erosions control information added
- State Historic Preservation Division requirements
- Sustainable Building thoughts

**I. APPLICANT.**

Dale McBeath.

**II. APPLICANT'S ADDRESS AND TELEPHONE.**

13 Quarry Road  
San Rafael, CA 94901  
  
(415) 457-3661 or  
(510) 620-6085

**III. APPROVING AGENCY.**

State of Hawaii  
Department of Land and Natural Resources  
Board of Land and Natural Resources  
P. O. Box 621  
Honolulu, Hawaii 96813

**IV. CONSULTED AGENCIES.**

The governmental agencies consulted with regard to the Applicants' proposal included the Planning Department of the County of Kauai and the Department of Land and Natural Resources of the State of Hawaii.

State:		
Office of Environ Quality Ctrl.	Nancy Heinrich	586-4185
DLNR	Lauren Tanaka	587-0385
DLNR - State Hist. Preserv. Div	Nancy McMahon	742-7033
DLNR - National Flood Insurance	Sterling Yong	587-0248
Office of Planning	Richard Stook	587-2804
Dept. Health, Clean Water Div	Alec Wong	586-4309
Kauai County:		
Dept. Planning	Sam Lee	274-3491
Dept. Public Works	Wallace Kudo	241-6616
Dept. Health, Wastewater Div	Joe Tateyama	241-3323
Dept. Planning, Engineering Div	Keith Nitta	241-6677
Princeville Public Library	Lani Kawahara	826-1545

**V. OWNERSHIP OF THE SUBJECT PROPERTY.**

The ownership of the property described hereinafter as the "Parcel" (Kauai Tax Map Key No. (4)5-9-2:66 and :68. is as shown on the Title Report attached hereto as Exhibit "T-1" and made a part hereof by reference.

**VI. DESCRIPTION OF SUBJECT PROPERTY.**

The Parcel is located at Haena, County of Kauai, State of Hawaii, is

designated by Kauai Tax Map Key No. (4)5-9-2:66, and contains approximately 28,875 square feet. Also included for this final is reference to the only access way to the property, designated by Kauai Tax Map Key No. (4)5-9-2:68 and is described hereinafter as "Road H", a privately owned parcel also described in Exhibit "T-1".

The general location of the Parcel is shown on the Map attached hereto and incorporated herein as Exhibit "M-1". These areas are shown in more detail on the Tax Map attached as Exhibit "M-2" and the Survey Map which is also attached as part of Exhibit "M-6".

#### VII. LAND USE CLASSIFICATIONS.

A. The Parcel has the following land use classifications:

1. State Land Use Commission. The Parcel is located within the State Land Use Commission ("SLUC") Conservation District, Limited Subzone, as shown on Exhibit "M-4" and as a Letter from the DLNR as Exhibit "T-2".
2. County General Plan. As shown on Exhibit "M-5", attached hereto and incorporated herein, the Parcel is located within the Open Zone Classification of the General Plan for the County of Kauai ("Kauai General Plan").
3. Special Management Area. The Subject Property is located within the Special Management Area ("SMA"), as shown on the SMA Map attached as Exhibit "M-3".
4. Flood Zones. The Parcel is located both in the VE and AE zones according to FEMA panel number 15002 0030 C and will comply with NFIP and County Flood Ordinances.

#### VIII. REQUESTED LAND USE PERMIT.

The Applicant has filed a Conservation District Use Application (hereinafter referred to as "CDUA") with the Department of Land and Natural Resources (hereinafter referred to as "DLNR") and the Board of Land and Natural Resources (hereinafter referred to as "Land Board") for the issuance of a Conservation District Use Permit (hereinafter referred to as "CDUP") for the following purposes:

- A. The Applicant proposes to construct a single-family residential dwelling unit (hereinafter referred to as the "dwelling") on the Parcel pursuant to Sections 13-5-23(c)(D-1), 13-5-34, and 13-5-41 of the Hawaii Administrative Rules ("HAR") and Section 183C-5 of the Hawaii Revised Statutes ("HRS").
- B. Access to the Parcel is via a commonly held parcel TMK (4)5-9-2:68 hereinafter referred to as "Road H". Road H is undeveloped, and will have to be partially cleared. Road H runs from Kuhio Highway south 200' to the north-east corner of the Parcel. The road can be no wider than twenty (20) feet due

to the size of the lot.

**IX. PROPOSED DEVELOPMENT.**

The Applicant proposes to construct a single-family residential dwelling on the Parcel as shown on the Site Plan attached as Exhibit "M-7". A conceptual Floor Plan of the proposed dwelling is attached as Exhibit "D-4" and front and side elevations are attached as Exhibit "D-3", "D-2" and as a sketch as Exhibit "D-1".

The appearance of the residence will reflect a traditional plantation/ranch style architecture that is consistent with both older dwellings in the region, together with those newer structures which seek to emulate the more traditional style architecture.

The proposed dwelling will not exceed three thousand five hundred (3,500) square feet in size. It will be constructed primarily of wood, with a non-reflective roof, and will have a foundation made of concrete or wood columns. The dwelling will not exceed thirty (30) feet or the maximum allowed height, and will be painted earth-tone colors. If a metal roof is used, it will also be painted an earth-tone color. The proposed dwelling will have two (2) bedrooms, two (2) bathrooms, a living room/dining/kitchen area, a laundry/pantry room, and a porch. The proposed dwelling will utilize a septic system for disposal of waste water. A site plan showing the location of the dwelling and septic system is attached as Exhibit "M-7".

**X. SUBJECT PROPERTY ANALYSIS.**

- A. Location. The Parcel is located at Haena, Kauai, Hawaii. The Parcel is unimproved and vacant.
- B. Agricultural Use. Because of its size, location and topography, the Parcel is not suitable for agricultural use. The Applicant's proposed use of the Parcel will have no negative impacts on its availability for future agricultural use.
- C. Technical Characteristics. The subject property is presently overgrown with False Kamani, Madagascar Olive, and Kukui trees, Coconut Palms, and non-endangered species of volunteer vines, grasses and weeds. The Applicant proposes to only remove vines, grasses, and only as many trees as needed to place the house and use the roadway, and to leave much of the remaining area in its natural state with the existing flora and fauna.

It should be noted that the Applicant selected the property in large part because of its existing trees and generous vegetation. In addition, Applicant intends to plant additional endemic trees and landscaping to compliment those plants currently existing on the Parcel in order to mitigate and

minimize the visual impact of the home from public view.

The Parcel is located approximately fifteen (15) feet above mean sea level (msl) at it's highest point, and consists of both gently sloping and visually level topography. The soil is a fine, sandy loam throughout the parcel.

There is a drainage stream-bed running along the western boundary of the property. It is normally dry, but water does pool during heavy rains. The movement of water will not be disturbed by the proposed residence, which will be sited to the east of and above the drainage area.

It should also be noted that measures will be taken during construction to ensure no construction materials or run-off will enter the drainage area or allowed into the ocean.

The existing drainage pattern of the subject property appears to be into the existing dry stream-bed traversing the western side of the property.

The State Department of Health, Cleanwater Division was contacted, and Alec Wong of that office stated that they deferred to the county as to drainage and erosion control during and after construction. Wallace Kudo of the Kauai Planning / Public Works Division stated that they had guidelines for parcels of one acre or larger, and that this Parcel, being only 28,800 square feet, less than one acre, would be exempt. However, I asked for a copy of the grading, dust, and erosion controls and will incorporate them in my discussions with the contractors.

The shoreline is located approximately six hundred (600) feet from the subject parcel, and the parcel is further separated from the shoreline by those certain other parcels identified as TMK Nos. (4)5-9-2:61, (4)5-9-2:62, (4)5-9-2:67, and across the Kuhio Highway by (4)5-9-2:50, and (4)5-9-2:52.

As the proposed use is simply a single-family residence, any increase or effect on traffic, sanitation and waste disposal, refuse or use of water will be insignificant. The lot is sufficient in size so as to locate the septic system an adequate distance from the stream-bed to eliminate the hazard of waste pollution from the proposed use. Joe Tateyama of the Kauai Department of Health, Wastewater Management Division was contacted and stated that once the engineering drawings were produced, the project engineer would work with the county to make sure that the septic and leach system were built in compliance with county rules and regulations.

Several walk-throughs of the subject property did not disclose any apparent historical or archeological significant sites, but it is understood that the SHPD requires that an archeological inventory be conducted prior to clearing or construction.

Should the survey or actual construction disclose the presence of such sites, the State Historic Preservation Division of the DLNR and the Kauai Island Burial Council will be notified and work immediately halted until an appropriate resolution is reached in accordance with all applicable laws, rules and regulations.

- D. Economic Characteristics. As the proposed use is for a single-family residence, there would not be any significant beneficial or adverse economic effects resulting from the proposed action, except increased real property taxes and the short-term employment benefits during the course of construction.
- D1. Social Characteristics. There are no existing paths or public right-of-ways across or adjoining the property. The public have been parking along the edge of the Kuhio Highway where the only access to this property (Road "H") will connect, for use in accessing the beach. The impact will mean the loss of a small part of that edge of the road parking. See "F" below.
- E. Drainage. The limited amount of additional drainage from the proposed development of the Parcel will not appreciably affect, nor overburden, the drainage system. This is particularly true in view of the fact that the structure must be elevated in accordance with the flood height requirements of the County of Kauai.
- F. Traffic Impact. The increase in traffic generated by the construction of a single-family residence on the Parcel should be minimal, and will have no impact on existing traffic conditions along Kuhio Highway or elsewhere in the immediate area.

Although there is public parking along the Tunnels Beach access road, the public have been parking next to the fence where Road "H" will connect with Kuhio Highway. The impact will be a few less off road parking spaces. It should be noted that there are no "official" parking spaces on this side of the highway, but that over the years the vegetation has been pushed back to the fence by parking in this area.

Keith Nitta with the Kauai County Planning Office / Engineering Division stated that landowner was entitled to expect that the public would not block a drive way or access roadway, and that on the survey map, buffers were included on each side of the exit to make sure there would be a clear view for cars exiting to the highway, and that these were also meant to be non-parking areas. He also stated that the public is usually discouraged from parking on the side of the highway.

There is public parking for the beach directly opposite, on the side of the access roadway to the beach. Also, as the included picture was only of the actual junction of road "H" with the highway, it didn't show that the same type of off-road parking was being used all along both sides of the highway, any

where there wasn't an existing house or drive.

G. Availability of Public Services and Facilities. The construction of a single-family residence on the Parcel will not unreasonably burden public agencies to provide additional necessary urban amenities, services and/or facilities.

1. Schools. Hanalei Elementary School is located approximately five (5) miles from the Subject Property. Kapaa Intermediate and Kapaa High School are located approximately thirty (30) miles from the Parcel. The construction of a single-family residential dwelling on the Subject Property will not increase the number of students attending these schools to any measurable or appreciable extent, and will not adversely impact the capacity of the schools.

2. Wastewater Disposal. There are no County sewage facilities in this area. The proposed dwelling on the Parcel will utilize a septic system as approved by the Department of Health, State of Hawaii ("DOH") for disposal of waste water. The septic system will be designed to satisfy all applicable requirements of DOH. There are currently other dwellings located on adjacent parcels in the vicinity of the Parcel. The balance of the area consists of unimproved lands. Given the projected limited wastewater disposal from the proposed domestic use, and the large amount of open, unused lands surrounding the proposed septic system, it is unlikely that the proposed wastewater disposal will have any harmful effects on the area. Applicant understands that the Department of Health ("DOH") will require a private wastewater system for the residence and Applicant will be required to install a septic system with a leach field. Thus, the septic system will be constructed in accordance with DOH rules and regulations.

Joe Tateyama of the County Dept. of Health, Wastewater Division, stated that all new single family residence construction in the area had to have a septic system installed, and that they would provide the design engineer with the details when the engineering plans were produced during the normal county permits phase.

H. Solid Waste Disposal. Refuse collection will be provided by the County of Kauai to the Parcel, or will be hauled to the waste recycling plant by landowner. There is currently such a facility just south of Princeville.

I. Water. Water storage and transmission facilities are presently adequate to serve the proposed dwelling. The county was contacted 5/19/00 to make sure this was so.

J. Electricity and Telephone. Electric, phone and cable

television facilities are presently located on Kuhio Highway. These facilities will have to be extended within the Access Road to service the Parcel. These existing facilities, as well as the capacity of both the Citizens Utilities Co. (Kauai Electric Division) and the GTE Hawaiian Telephone Company, are sufficient to service the proposed dwelling to be constructed on the Parcel. The individual providers were contacted, told of the plans, and all indicated service and supply would be available.

- K. Police and Fire Protection. This area is currently served by the Princeville Police and Fire Station located approximately eight (8) miles from the Parcel. The construction of a single-family residence on the Parcel will not in and of itself create an unreasonable demand for an expansion of either the police or fire services.

**XI. IMPACTS UPON RESOURCES OF THE AREA.**

- A. Flora and Fauna. The Applicant is not aware of any endangered species of plants on the Parcel, nor of any rare or endangered animals living in the area. The primary types of vegetation present on and around the Parcel are False Kamani, Madagascar Olive, and Kukui trees, Coconut Palms, and non-endangered species of volunteer vines, grasses and weeds. The removal of more than the six (6) trees may be necessary to construct the dwelling and access roadway and should have no substantial negative impact on the surrounding flora or fauna, as the parcel is heavily vegetated and landscaped with mature trees and other vegetation. Applicant has attached a Landscape Plan and a Tree Removal Plan as Exhibit "M-9".

Applicant contacted Mr. Jim D. Campbell of Garden Island Tree Care concerning this matter. Based on his knowledge of this location, Mr. Campbell does not believe that there are any threatened or endangered species of plants and wildlife located on or around the Subject Property. A letter from Mr. Jim D. Campbell dated April 30, 2000 is attached as Exhibit "T-5".

- B. Historical and Archaeological. The Applicant is not aware of any historical, cultural or archaeological sites on the surface of the Parcel. Several walk-throughs of the subject property did not disclose any apparent historical or archaeologically significant sites, but it is understood that the SHPD requires that an archeological inventory be conducted prior to clearing or construction. Should the survey or actual construction disclose the presence of such sites, the State Historic Preservation Division of the DLNR and the Kauai Island Burial Council will be notified and work immediately halted until an appropriate resolution is reached in accordance with all applicable laws, rules and regulations.

- C. Recreational Resources. The Parcel is not used for, nor does it

provide for, any present recreational opportunities. Thus, Applicant's proposed construction of a single-family residence will not effect any present recreational uses.

- D. Scenic Resources. The construction of the proposed single-family residence on the Parcel will be compatible with the adjacent uses and compatible with the scenic characteristics of the surrounding area. Because of its location and the existing vegetation, the proposed dwelling on the Parcel will not be readily visible from any public streets or public areas in Haena, although the dwelling may be partially visible from abutting parcels. The access to the Parcel is approximately two hundred (200) feet from the closest public street, which is Kuhio Highway. There is another lot, TMK (4)5-9-2:67 between the Parcel and the Highway. The only trees that will be removed will be those few trees necessary to construct the residence and gain access through Road "H". Because of the trees and vegetation which will remain, and because the residence will be painted in subdued earth-tone colors, and due to the distance to the structure, it will be difficult, if not impossible, to see it from any vantage point on Kuhio Highway. Applicant has attached as Exhibit "M-10" photographs of the Parcel taken from various vantage points in Haena, photographs from, on or near the Parcel, and a photograph location map.
- E. Community Concerns. The Applicant will send a copy of the CDUA and Environmental Assessment to the Hanalei Community Association (hereinafter referred to as "HCA") to solicit their comments and recommendations.
- F. Future Development/Cumulative Impacts. The Tax Map attached to the Application as Exhibit "M-2", shows the parcels in the area immediately surrounding the Subject Property. Houses have been constructed on TMK Nos. (4)5-9-02:63 and 70. The land directly behind (south of) the lot is designated forest reserve, and is currently used as grazing land. Because of the few number of parcels, even if this area is developed for residential and/or agricultural purposes, it does not appear that the cumulative impact will overburden the area.

### XII. COMPATIBILITY WITH APPLICABLE LAWS.

The Applicant's proposed development of a single-family residence on the Parcel and removal of trees as minimally necessary to construct the residence and roadway will be compatible with HRS Chapter 183C and HAR Chapter 13-5, HRS Chapter 205, the Hawaii State Plan (Hawaii Revised Statutes Chapter 225), the Hawaii State Functional Plans, and all other applicable laws, ordinances, or regulations. Thus, the proposed development will have no substantial negative environmental impacts on the Parcel or the surrounding area.

### XIII. COMPLIANCE WITH CDUA CRITERIA.

The proposed construction of the single-family residence on the Parcel will comply with the following criteria, as set forth the Hawaii Administrative Rules, Title 13, Department of Land and Natural Resources, Subtitle 1 Administration, Chapter 5, Conservation District (13-5-30):

1. Whether the proposed land use is consistent with the purpose of the conservation district.

The proposed Project will result in a minimal disturbance to the existing physical environment and social area, and as such is consistent with the intent to conserve, protect and preserve the natural resources of the conservation district.

2. Whether the proposed land use is consistent with the objectives of the subzone of the land on which the use will occur.

The proposed Project consists of land uses for residential purposes which are permitted in the Limited Subzone. The proposed construction of a single-family residence will not adversely impact existing watersheds, marine, plant, and wildlife sanctuaries, significant historic, archaeological, geological, and volcanological features and sites, or other designated unique areas within this subzone.

3. Whether the proposed land use complies with provisions and guidelines contained in Chapter 205A, HRS, entitled "Coastal Zone Management", where applicable.

The proposed construction of a single-family residence is located in the "Coastal Zone Management" area, however, the construction of the residence is an exempt activity pursuant to Section 1.4H(2)(a) of the SMA rules and regulations of the County of Kauai, and as a result, will not have any direct adverse impact on the land in question.

4. Whether the proposed land use will cause substantial adverse impact to existing natural resources within the surrounding area, community or region.

The proposed construction of a single-family residence will not adversely impact the existing and surrounding environment, as it will have an incidental and minimal impact on the surrounding environment.

5. Whether the proposed land use, including buildings, structures and facilities, is compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.

Because of its minimal impact on the physical and natural environment, the proposed construction of a single-family residence is compatible with the locality and surrounding areas.

6. Whether the existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.

The natural beauty and open space characteristics of the area will be preserved because of the minimal physical and visual impact of the proposed construction of a single-family residence. Due to the size of the dwelling and the surrounding landscaping, and the distance from the main roadway to the edge of the Parcel, there will be minimal visual impacts.

7. Whether the Subdivision of land will be utilized to increase the intensity of land uses in the conservation district.

The proposed construction of a single-family residence will not result in a subdivision of land that would intensify the land use in the conservation district.

8. Whether the proposed land use will be materially detrimental to the public health, safety and welfare.

The proposed construction of a single-family residence will not be detrimental to public health, safety, and welfare, due to its location and very limited impacts.

#### XIV. SIGNIFICANCE CRITERIA.

The proposed construction of the single-family residence on the Parcel will comply with the following criteria as set forth in Title 11, Chapter 200, Section 11-200-12 of the EIS Administrative Rules of the Office of Environmental Quality Control:

1. Whether the proposed action involves an irrevocable commitment to loss or destruction of any natural or cultural resource.

Due to the absence of any known natural or cultural resources on the location of the proposed single-family residence, coupled with the fact that the residence will not exceed three thousand five hundred (3,500) square feet in size, there will be no irrevocable commitment to loss or destruction of such resources.

2. Whether the proposed action curtails the range of beneficial uses of the environment.

The proposed construction of a single-family residence will have a minimal impact on the existing vegetation currently growing on the otherwise vacant parcel that is not now being used for other beneficial purposes and will not, therefore, curtail the range of existing or future beneficial uses of the environment on or adjacent to the parcel in question.

3. Whether the proposed action conflicts with the State's long-term

environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders.

The proposed construction of a single-family residence on a legal lot of record located in the conservation district but not having any adverse impact on the environment or otherwise creating any adverse effects on the public health, safety, and welfare due to the reasonable size and location of the structure does not conflict with the State's long-term policies or goals as articulated in Chapter 344, HRS, court decisions, or executive orders.

4. Whether the proposed action substantially affects the economic or social welfare of the community or state.

The proposed construction of a single-family residence on the parcel that is currently vacant and not being utilized for other purposes, coupled with the fact that the proposed use is consistent with those uses currently existing on abutting parcels in the immediate vicinity does not substantially effect the economic or social welfare of the community or state.

5. Whether the proposed action substantially affects public health.

The proposed construction and use of a single-family residence and the proposed construction of the necessary septic system built in accordance with all applicable laws, rules and regulations of the Department of Health of the State of Hawaii and County of Kauai relative to the disposal of waste water will not substantially affect public health.

6. Whether the proposed action involves substantial secondary impacts, such as population changes or affects on public facilities.

The proposed construction of a single-family residence and the use thereof by the Applicant and his family on a parcel which has available to it all necessary public utilities and services is both minimal and reasonable and, as such, will not involve substantial secondary impacts on such public facilities.

7. Whether the proposed action involves a substantial degradation of environmental quality.

The proposed construction of a single-family residence in conformity with all applicable laws, rules and regulations of the County of Kauai and State of Hawaii is a minimal and reasonable use of the land that will not involve a substantial degradation of environmental quality.

8. Whether the proposed action is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions.

The proposed construction of a single-family residence is by its

nature a minimal impact as explained in the Environmental Assessment and, as a result, is limited and cumulatively will not have considerable effect upon the environment for larger actions.

9. Whether the proposed action affects a rare, threatened, or endangered species, or its habitat.

There are no known rare, threatened, or endangered species, or its habitat on the parcel and, as a result, the proposed construction of a single-family residence will not have any affect thereon.

10. Whether the proposed action affects air or water quality or ambient noise levels.

The proposed construction, occupation and use of the single-family residence will be in accordance with all applicable laws of the County of Kauai and the State of Hawaii, and with the exception of noise that normally and customarily is associated with the construction of the single-family residence during those hours of the day authorized by law and for the limited period of time during construction, the proposed action will not unreasonably affect air, water quality or noise levels. In addition, measures will be taken to assure that no construction, grading, or landscaping materials will enter the drainage area or be released to the ocean. A copy of the grading guidelines for the county of Kauai was obtained, and while there are no limitations for smaller parcels of this size, these measures will be referenced, and acted on if appropriate, during construction.

11. Whether the proposed action affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion prone area, geologically hazardous land, estuary, fresh water, or coastal waters.

Although the proposed single-family residence will be constructed in the tsunami zone (VE and AE), the structure will be elevated twenty-five (25) feet above the mean sea level (msl) in accordance with the FIRM Maps and flood height requirements of the County of Kauai and, as a result, the proposed action is not likely to suffer damage by being located in an environmentally sensitive area such as the tsunami zone.

12. Whether the proposed action substantially affects scenic vistas and view-planes identified in County or State plans or studies.

The proposed construction of the single-family residence will not affect scenic vistas and view-planes identified in county or state plans or studies. In addition, the Applicant intends to retain many of the existing trees and vegetation as shown on the attached landscape plan and, as a result, the structure will be mostly or completely shielded and hidden from view from any vantage point along the nearest public roadway.

13. Whether the proposed action requires substantial energy consumption.

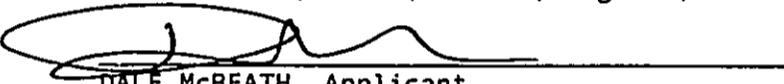
The proposed construction, occupation and use of a single-family residence will only require minimal energy consumption for residential purposes not unlike other single-family residences in the immediate vicinity and, as a result, the proposed action will not require substantial energy consumption. During construction and design, careful consideration will be given to the feasibility of using locally produced products, environmentally friendly design, and methods of reducing energy consumption. A list of Sustainable Building Guidelines has been obtained from the OEQC.

**XV. CONCLUSION.**

The Applicant respectfully requests that the DLNR and Land Board:

- find that Applicant's proposed construction of a single-family residence will not have any significant environmental impacts;
- find that the Applicant need not prepare an Environmental Impact Statement in this case; and
- issue a "Negative Declaration" in this matter, as that term is defined by Title 11, Department of Health, Chapter 200, Environmental Impact Statement (EIS) Rules, Subchapter 2(11-200-2).

DATED: Lihue, Kauai, Hawaii, Aug. 28, 2000.

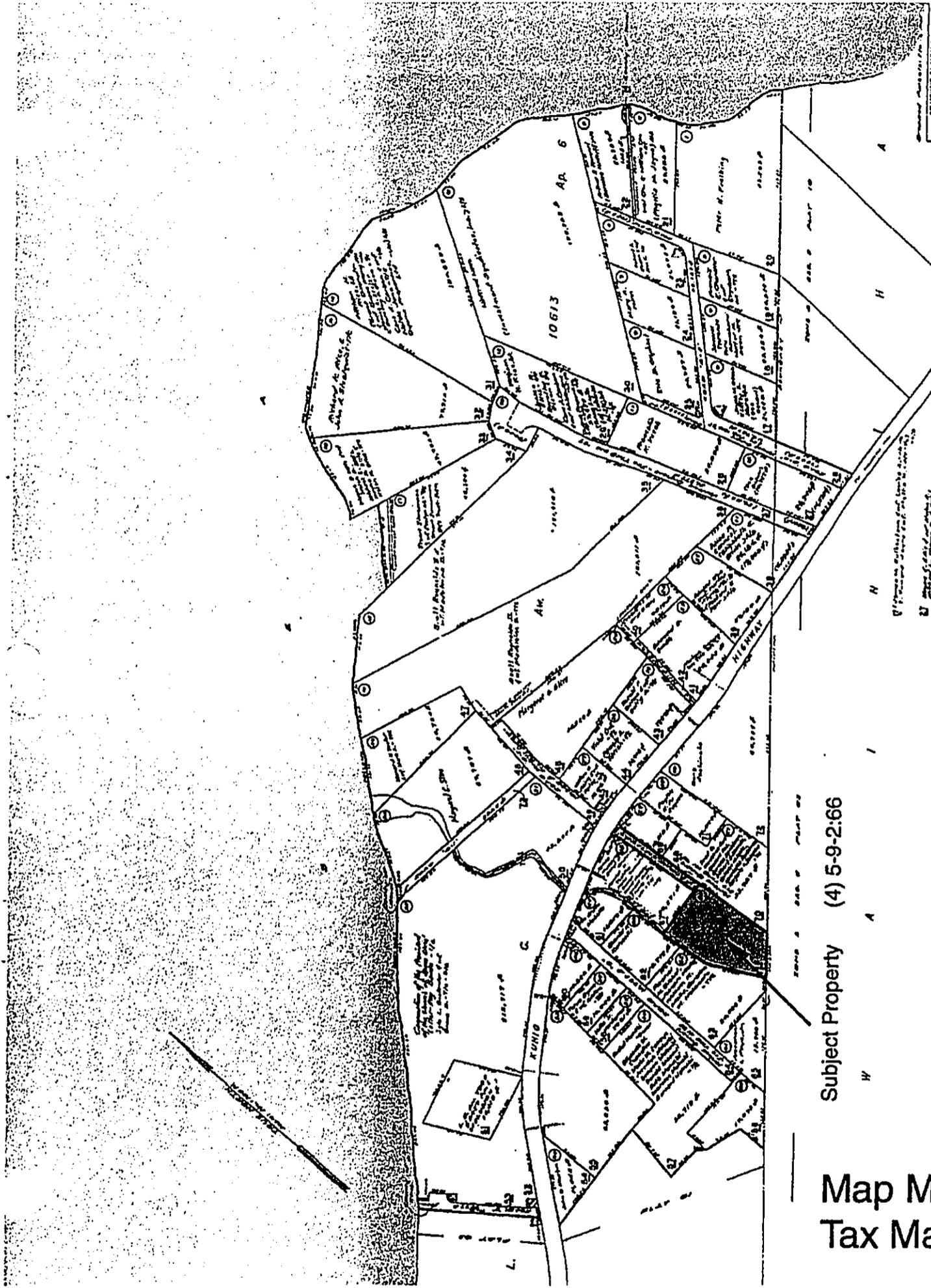
  
DALE McBEATH, Applicant

## **EA and CDUA Exhibits:**

# **MAPS**

Location/Area Map of the Parcel . . . . .	M-1
Tax Map of the Parcel . . . . .	M-2
SMA Map . . . . .	M-3
Conservation District Subzone Boundary Map . . . . .	M-4
Kauai General Plan Map . . . . .	M-5
Survey Map of the parcel. . . . .	M-6
Site Plan . . . . .	M-7
Grading . . . . .	M-8
Landscaping/Tree Removal. . . . .	M-9
Photograph Location Map/Photographs . . . . .	M-10





Subject Property (4) 5-9-2:66

Map M-2  
Tax Map

FOR MAEHA, MALEHA, KAUAI.

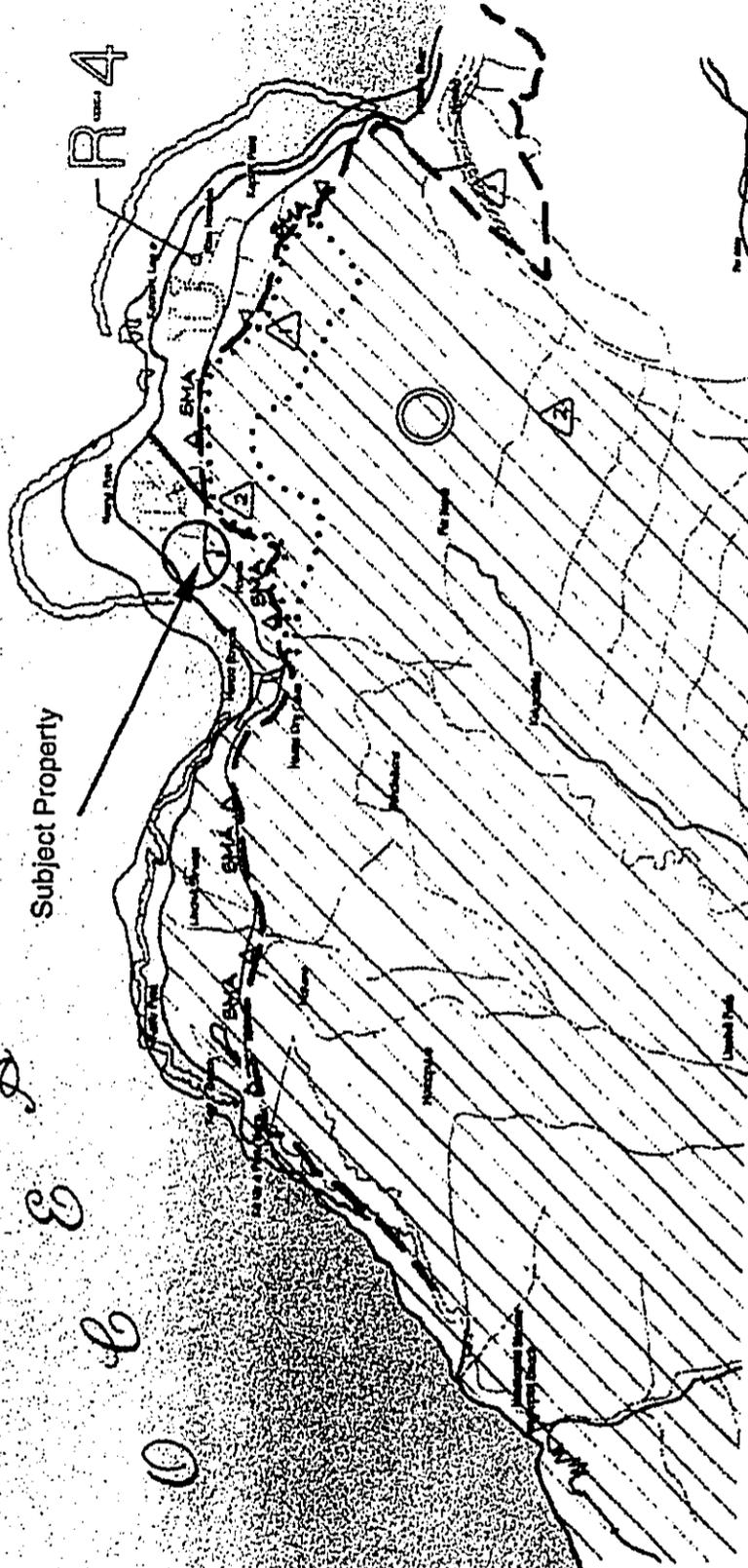
PROPERTY NO. 10613	
PROPERTY TAX MAP	
SECTION	5
RANGE	9
TOWNSHIP	02

FOR PROPERTY ASSESSMENT PURPOSES  
REFER TO COUNTY

TRUE NORTH

Scale: 1 in. = 3000 ft.

Subject Property



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

STATE ZONING:

URBAN DISTRICT U CONSERVATION DISTRICT C MANAGEMENT AREA A

1 TO COMPLY WITH AMENDMENTS TO CHAPTER 205A, H.R.S., IN ACCORDANCE WITH ACT 200, SESSION LAWS OF HAWAII, 1979.

2 TO CONFORM WITH FEDERAL FLOOD INSURANCE RATE MAP AMENDMENTS AS ADOPTED NOVEMBER 4, 1981

COUNTY ZONING:

OPEN O R-4

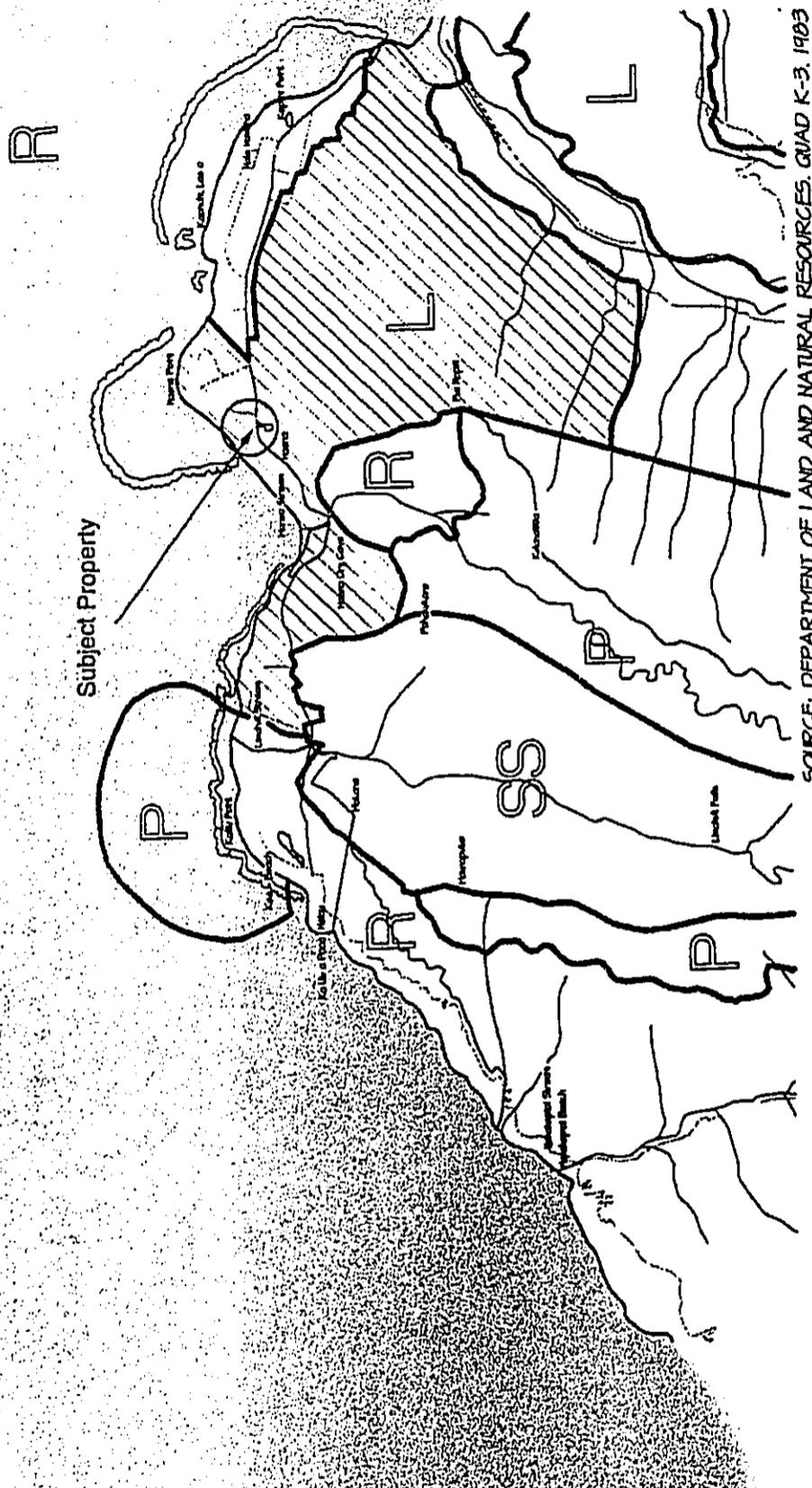
# SPECIAL MANAGEMENT AREA MAP

AT HAENA, KAUAI, HAWAII



Map M-3  
SMA

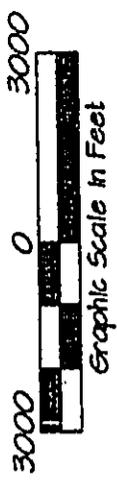
TRUE NORTH  
Scale: 1 in. = 3000 ft.



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

CONSERVATION DISTRICT SUBZONES:

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

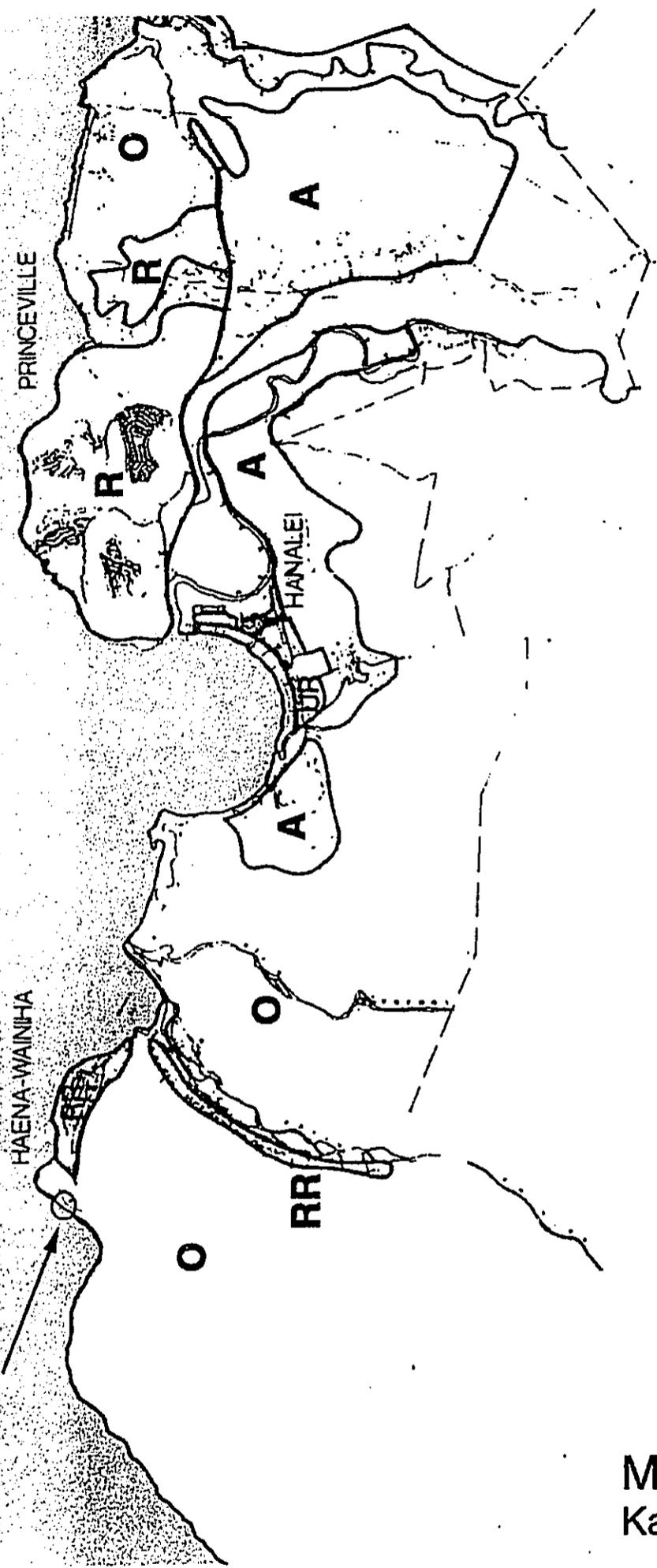


Map M-4  
Subzone

# STATE CONSERVATION LAND USE DISTRICT SUBZONE MAP

AT HAENA, KAUAI, HAWAII

Subject Property



Map M-5  
Kauai General Plan

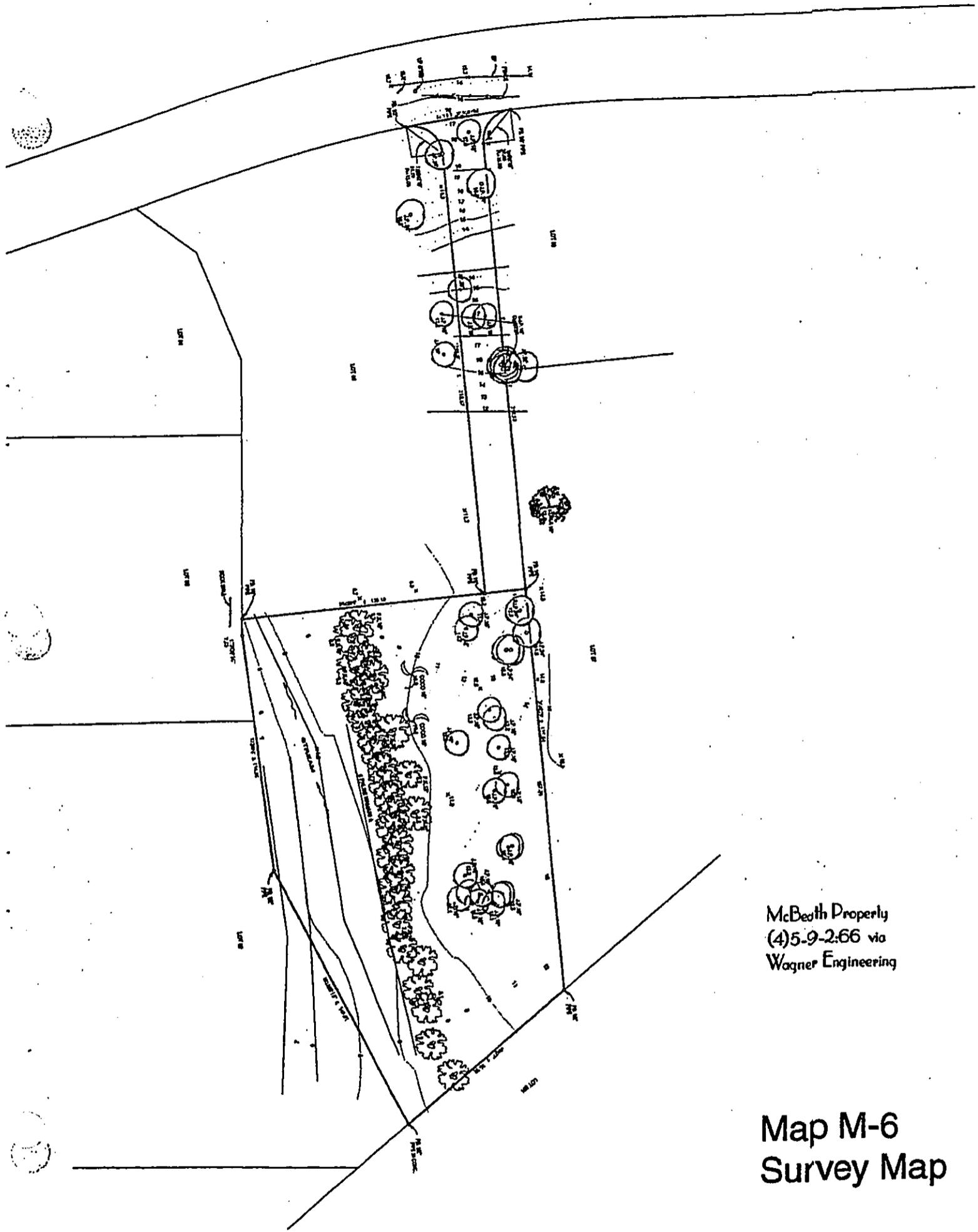
# KAUAI GENERAL PLAN NORTH SHORE

O OPEN  
 A AGRICULTURAL  
 RR RURAL RESIDENTIAL  
 UR URBAN RESIDENTIAL  
 UM URBAN MIXED USE  
 R RESORT  
 PF PUBLIC FACILITIES



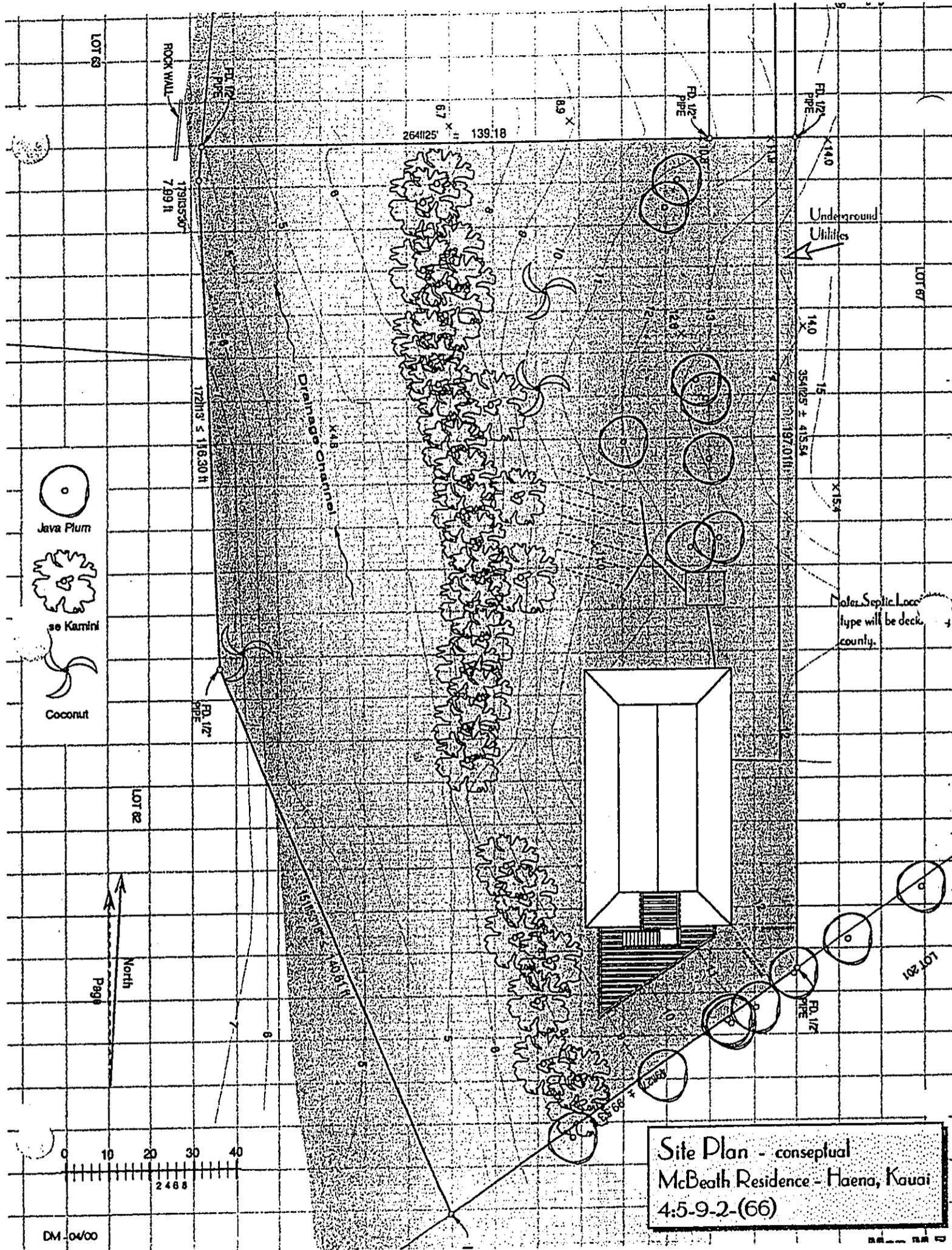
1 OF 2

JUNE 1982

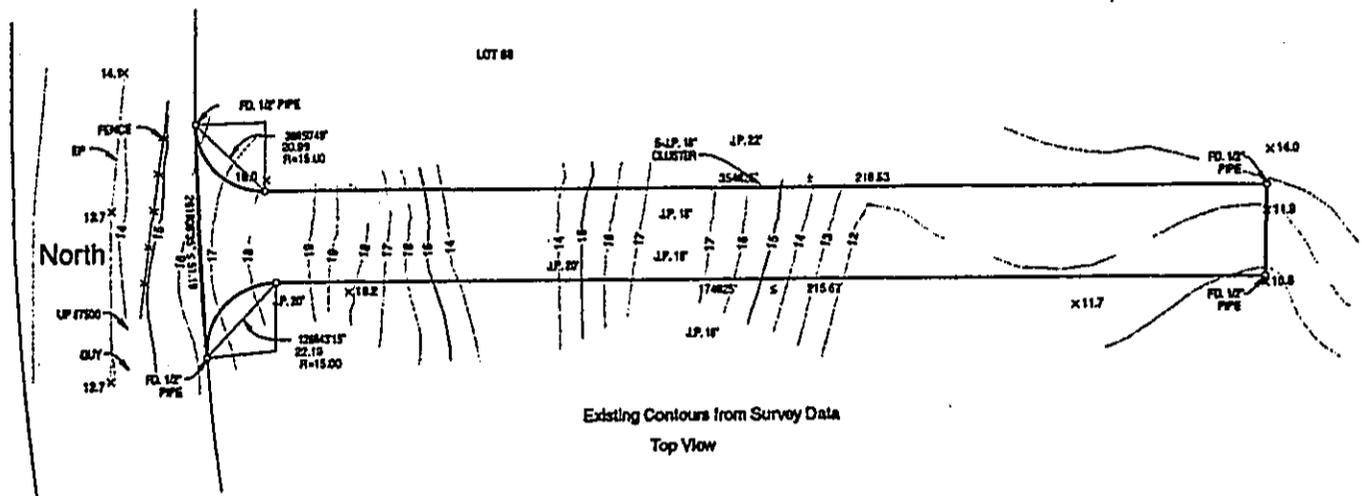
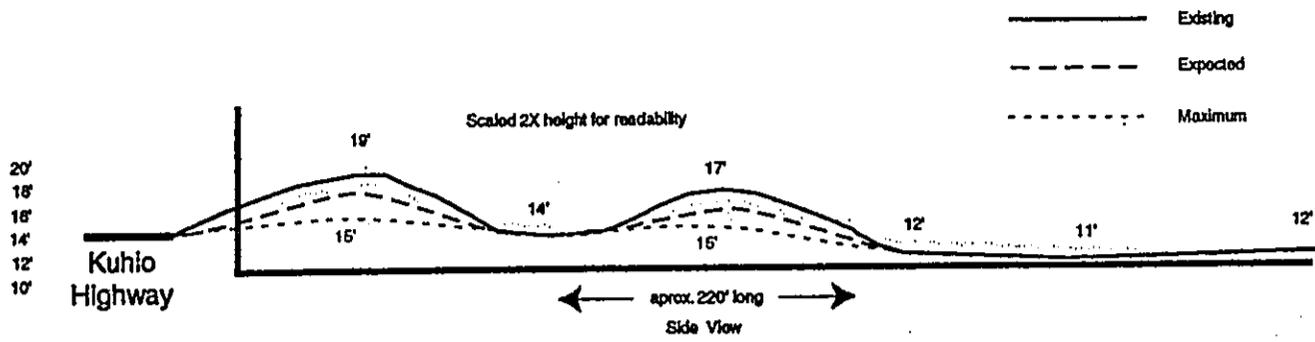


McBeath Property  
(4)5-9-2:66 via  
Wagner Engineering

Map M-6  
Survey Map



Site Plan - conceptual  
 McBeath Residence - Haena, Kauai  
 4:5-9-2-(66)



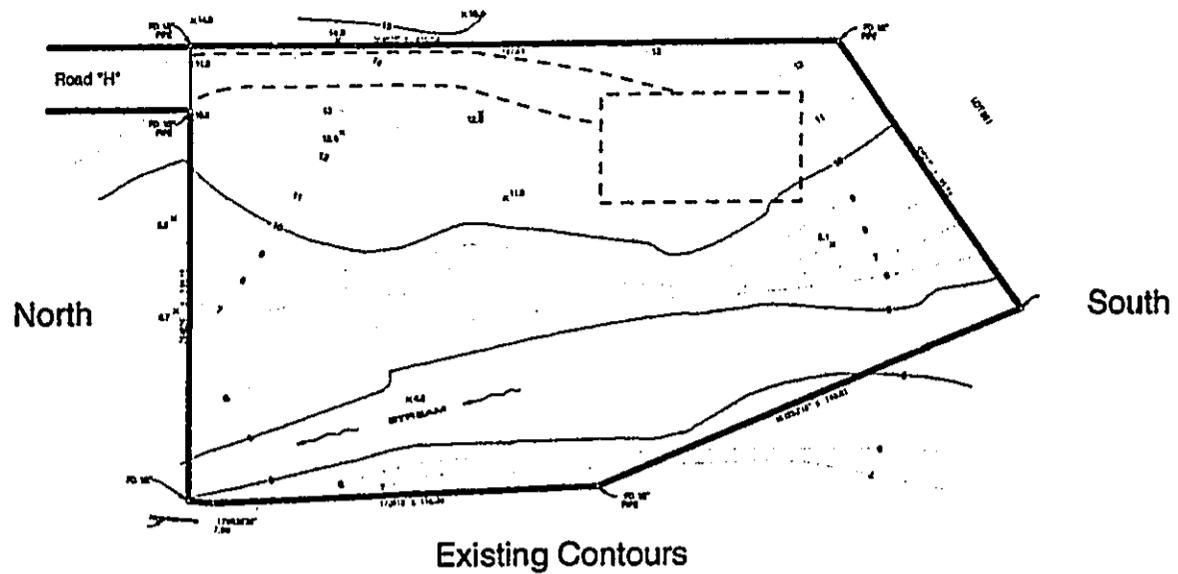
## Road "H" GRADING PLAN

Grading along road "H" will be minimal - Enough to allow construction vehicles access, and afterward, normal day to day use of the property.

The two rises currently contain trees which must be removed in order to use the roadway. The "expected" grading above would include the removal of these, and smoothing to fill in the root holes. The "maximum" line shows that even if larger amounts of earth must be moved for equipment to gain access, the drainage shape of the rises will be retained, so normal run-off should not be impacted.

Additionally, gravel or grass-grid may be laid to make roadway passable.

M-8a



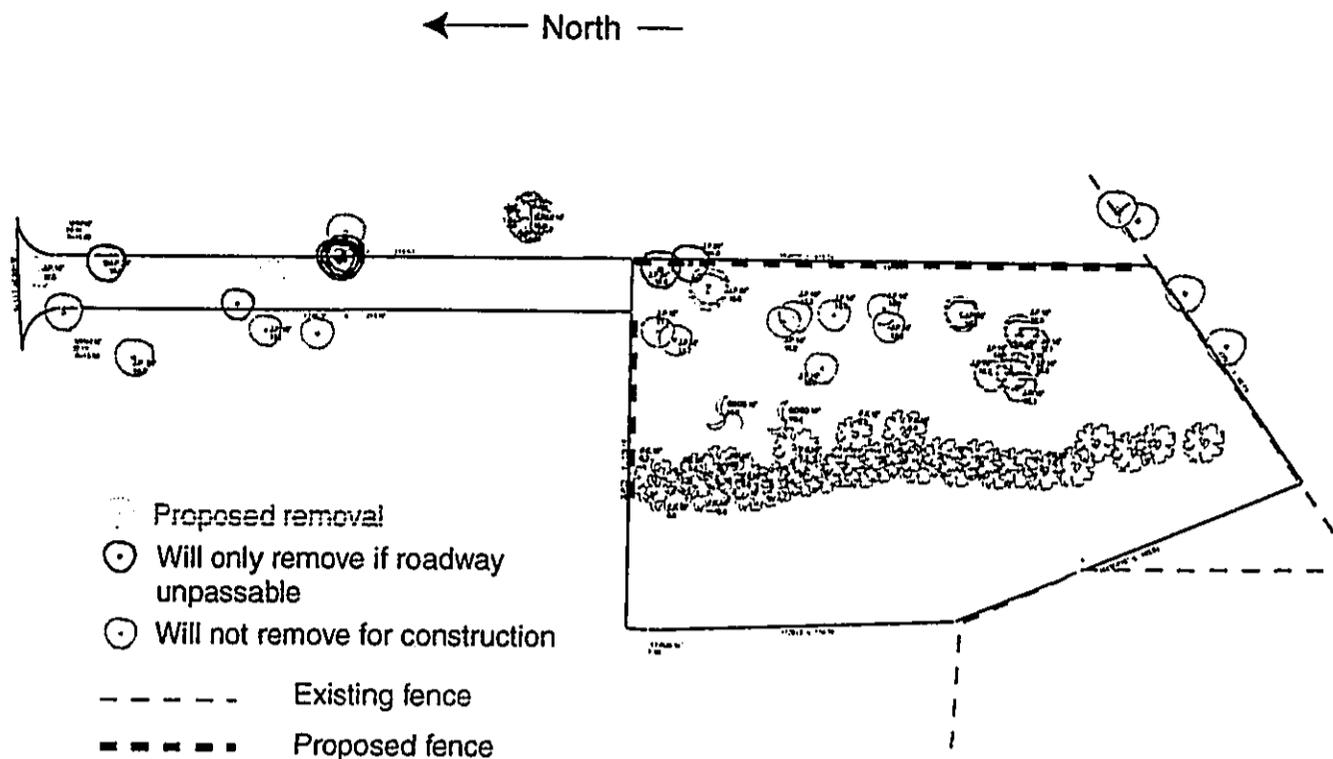
## Grading Plan for Main Lot

Grading for the main lot is proposed to allow for a flat footprint for the house and drive. The rest of the lot will change little in contour, maintaining the existing drainage, which is generally from the east side (top here) to the lower west side drainage ditch. Flattening the area under the house will allow for a more usable area and better control of shed rain water around the foundation. The other small change allows for level vehicle travel to and from the home. Actual position of the drive will be determined by county setback rules and large trees in the area.

Kauai County Department of Public Works has stated that Ordinance No 630, Section 15-1.5 of Flood Plane Management is interpreted to mean that fills within the coastal high hazard area (VE and AE) are prohibited, and that excess wasted excavated material from footings and grade beams shall be disposed of off site to preserve the existing ground elevation.

All grading, excavating, and clearing operations will be done in accordance with applicable county rules and guidelines. Measures will be taken to keep construction debris and run-off out of the drainage area.

M-8b

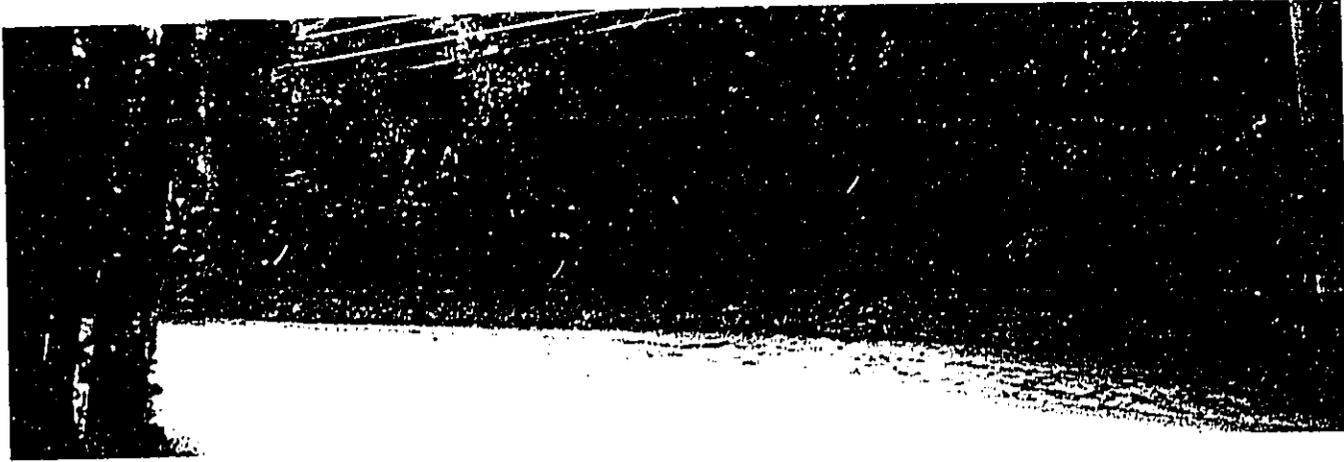


## Landscaping and Tree Removal Plan

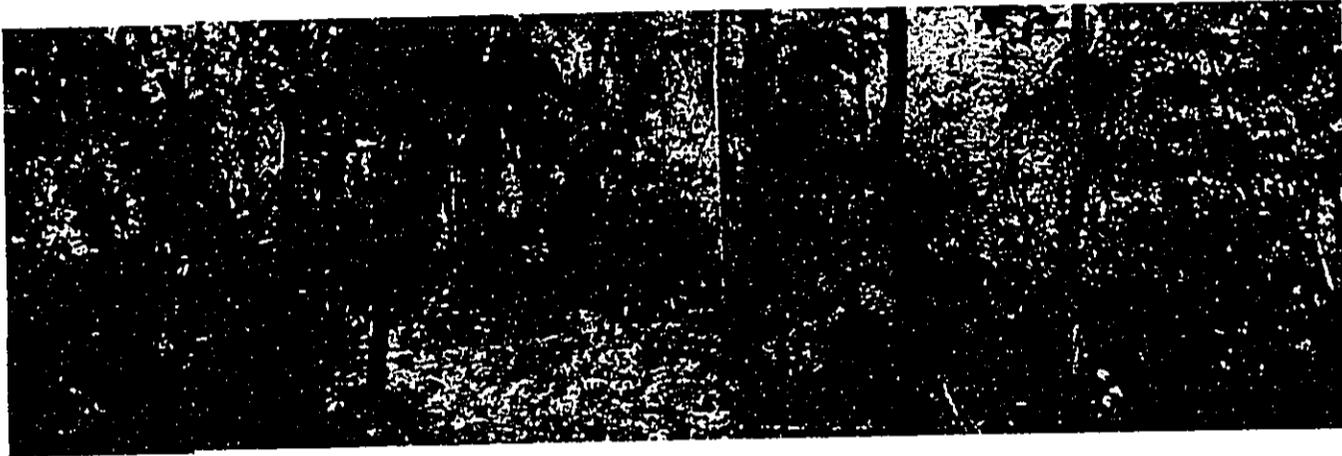
I propose to only remove as many trees as needed to build the house and use the roadway. The trees in red are the most likely to be removed. The ones in blue will be left if at all possible, as long as doing so still allows normal access to building equipment and afterwards, to the house for normal day to day uses. The drive will continue along that same side of the lot, ending at the house. This route, rather than one through the center, will damage fewer trees, and keep the access on high ground, hopefully lessening future erosions.

There is an existing, though barely standing, barbed wire fence along the back of the property, and cyclone fencing(wire) along the west side on an adjoining lot. Because my property lines cross a drainage area, I do not propose to fence in the entire area, though I'd like to reserve the right to run a fence along the tree line if problems occur. What is more likely would be the planting of the locally popular polynesia shrubs along the green dashed lines above to better shield the house from view and afford privacy should other houses be built on the other lots. Other landscaping might include endemic and locally accepted decorative and native plants and ground cover.

Significant Tree data provided by Wagoner Engineering Services.



#1 connection of Road "H" access with Kuhio Hwy.



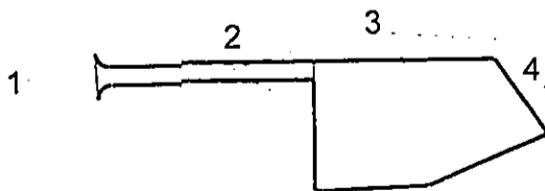
#2 on Road "H" to property line



#3 along west property line



#4 view from back of Lot toward Forest Reserve



M-10a



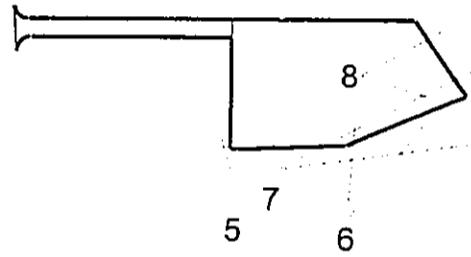
#5 across drainage agea



#6 tree line



#7 south - drainage



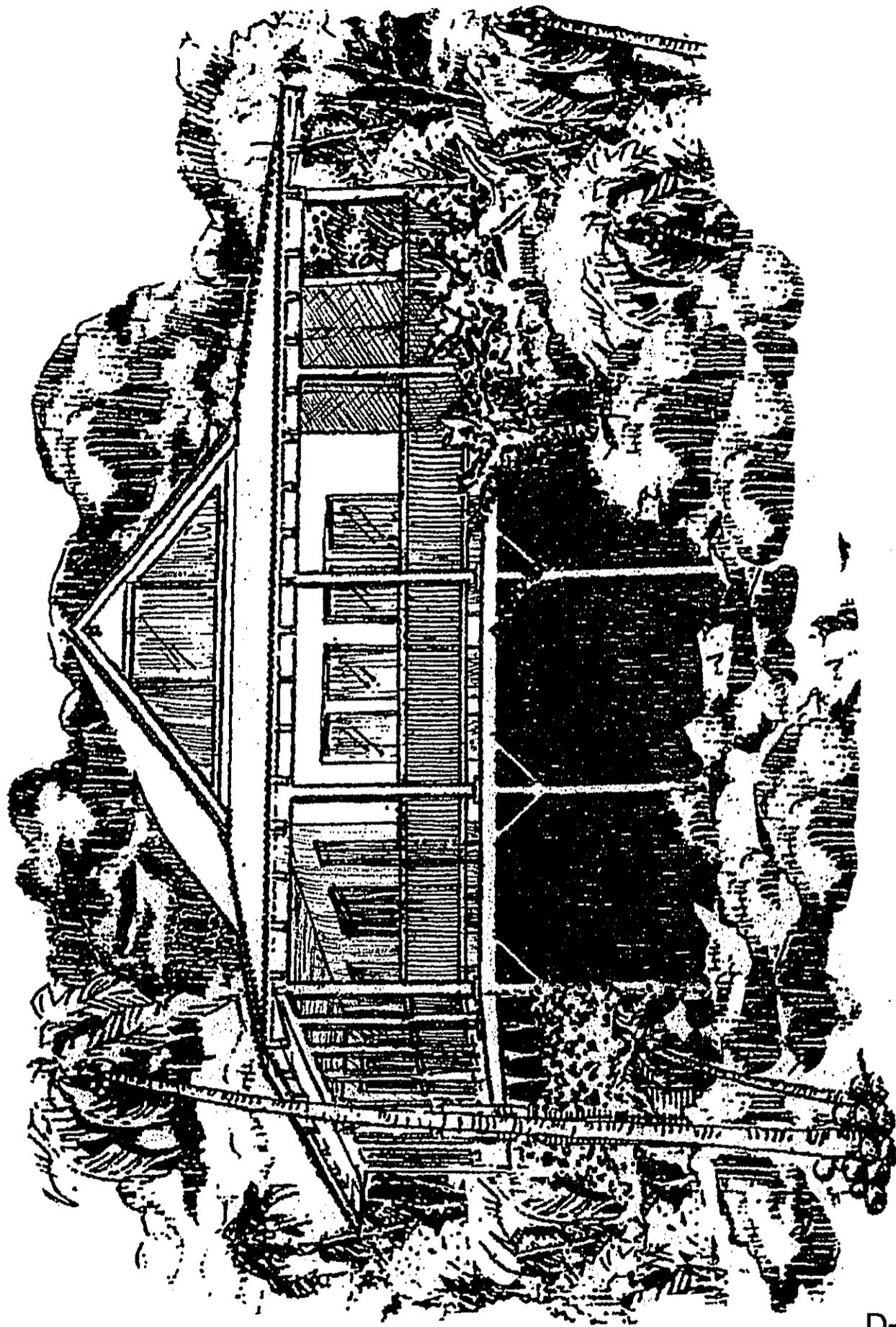
#8 inside lot

M-10b

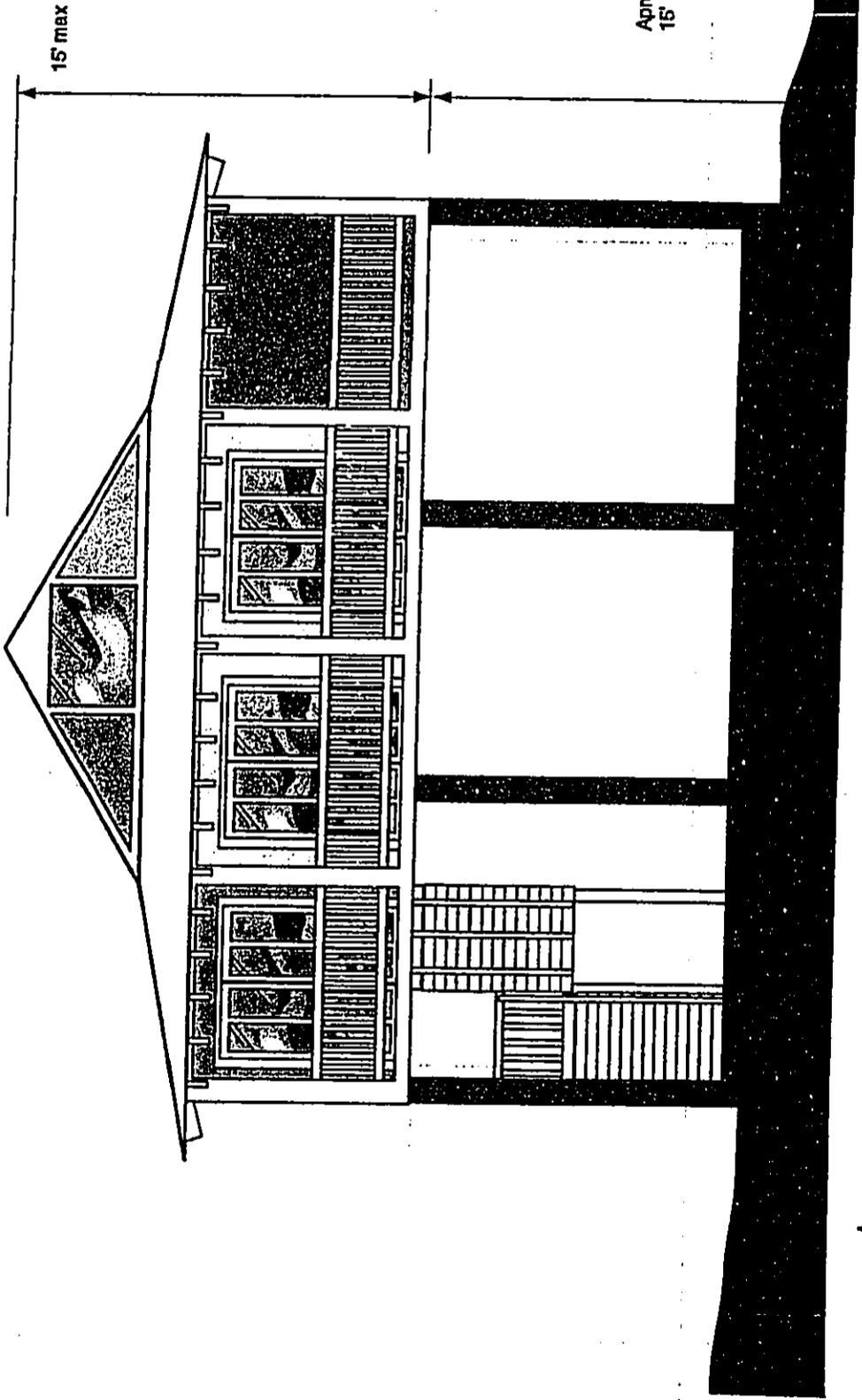
## EA and CDUA Exhibits:

# Drawings

Sketch of House . . . . .	D-1
Front Elevation . . . . .	D-2
Side Elevation. . . . .	D-3
Floor Plan. . . . .	D-4



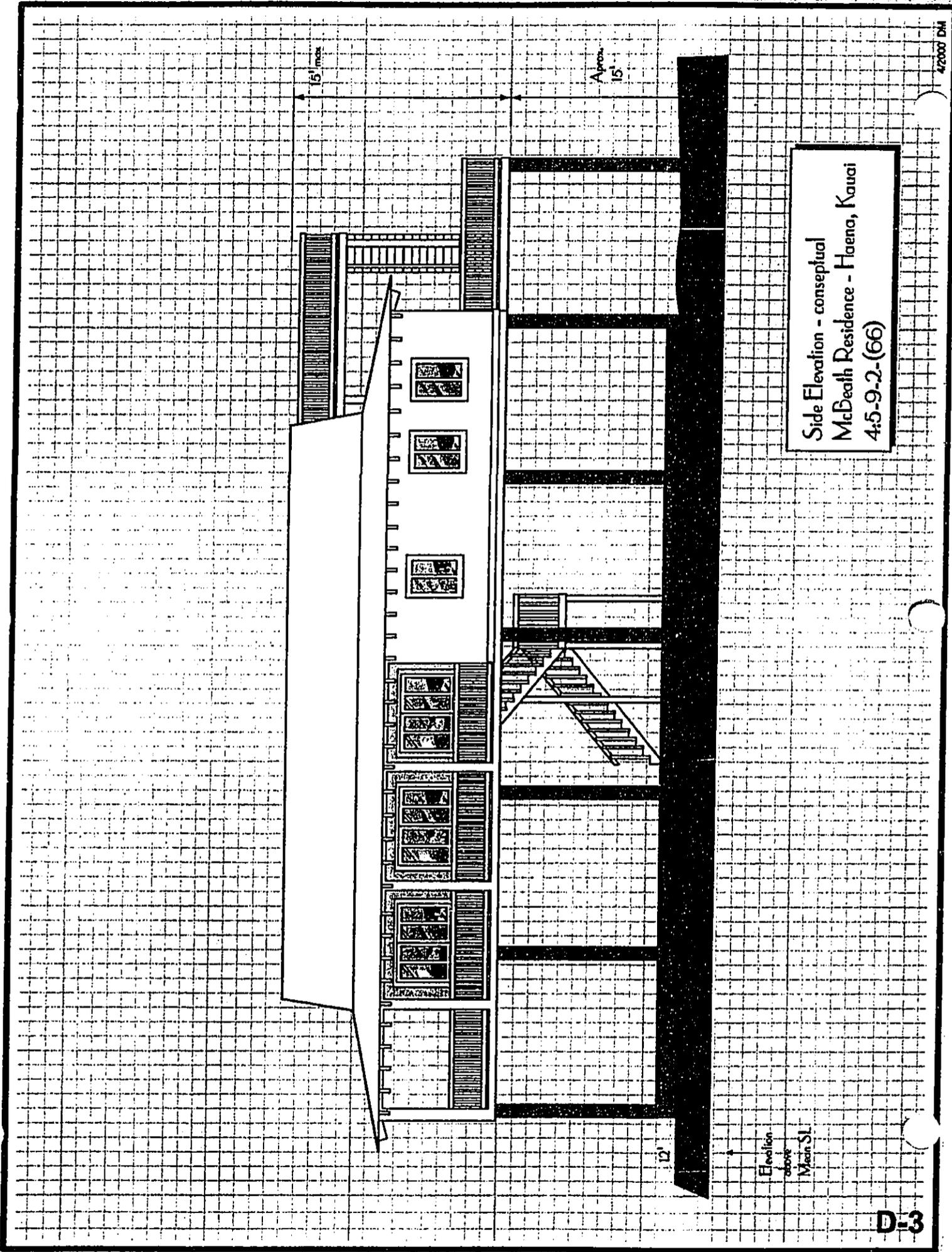
D-1



Front Elevation - Conceptual  
 McBeath Residence - Maunaloa, Kauai  
 4-5-9-2-(66)

↑  
 Elevation  
 above  
 Mean SL

D-2

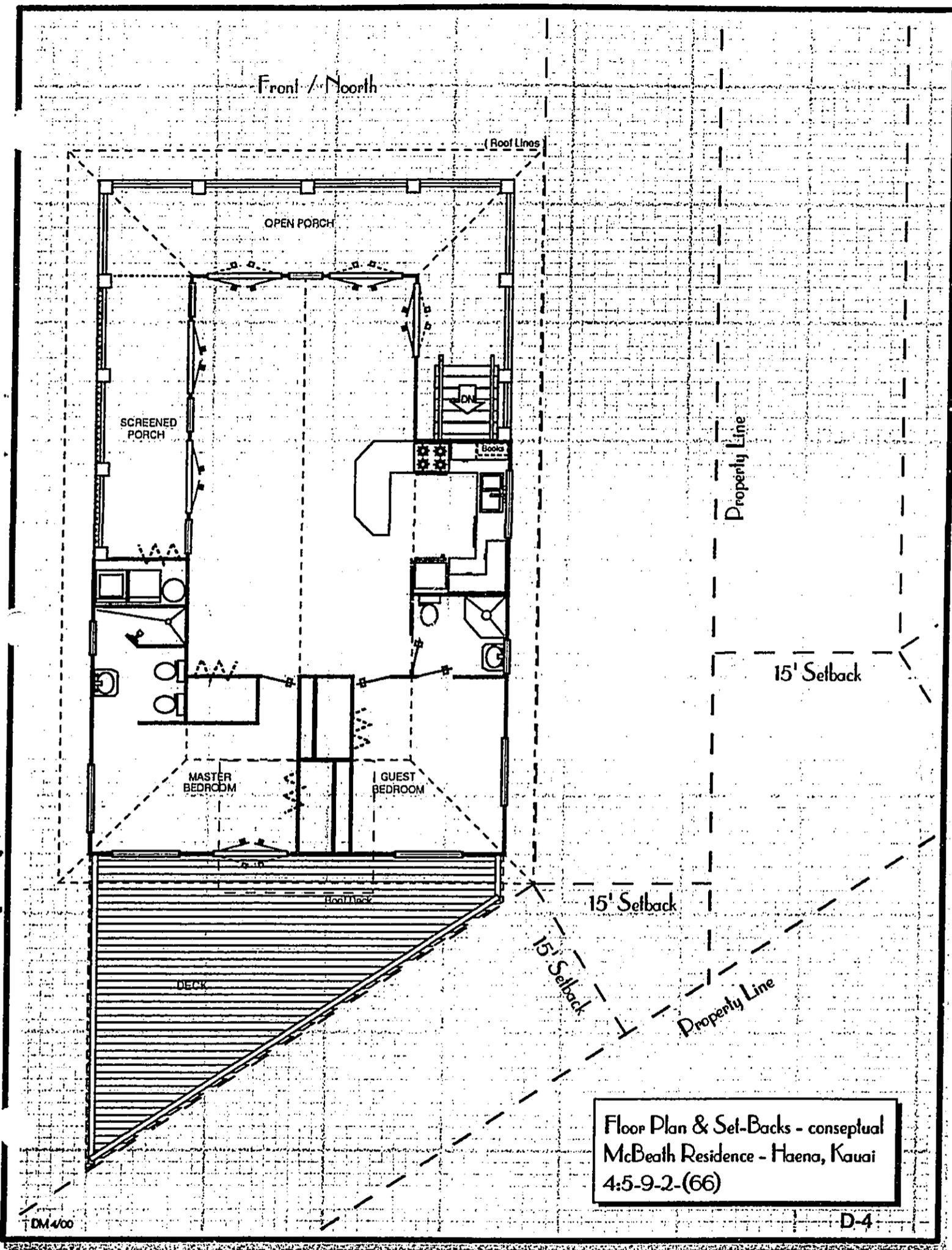


Side Elevation - conceptual  
McBeath Residence - Haena, Kauai  
4:5-9-2-(66)

1/8" = 1'-0"

Elevation  
above  
Mean SL

D-3



Front / North

(Roof Lines)

OPEN PORCH

SCREENED PORCH

DN

Books

Property Line

15' Setback

MASTER BEDROOM

GUEST BEDROOM

15' Setback

15' Setback

Property Line

Roof Deck

DECK

Floor Plan & Set-Backs - conceptual  
 McBeath Residence - Haena, Kauai  
 4:5-9-2-(66)

DM 400

D-4

**EA and CDUA Exhibits:**

**Support Doc.s and  
Letters**

Title . . . . .	T-1
DLNR boundary letter. . . . .	T-2
County SMA requirement letter . . . . .	T-3
Adjoining Property Owners Names and Addresses . . . . .	T-4
Arborist's Report . . . . .	T-5

R-180

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

OCT 25, 1999 08:01 AM

Doc No(s) 99-170409

/s/CARL T. WATANABE  
ACTING  
REGISTRAR OF CONVEYANCES  
CONVEYANCE TAX: \$140.00

LAND COURT SYSTEM  REGULAR SYSTEM   
AFTER RECORDATION, RETURN BY: MAIL  PICKUP   
Dale McBeath  
13 Quarry  
San Rafael CA 94901  
Total Pages: 25

FHTC 99106

TITLE OF DOCUMENT:

WARRANTY DEED

PARTIES TO DOCUMENT:

Grantor: HAZEL APO GROSS, ALMIRA KAWAILIULA APO,  
GILMAN N. APO, ANNIE W. LACRO, CLIFFORD K. APO,  
HARTWELL P. APO, LANI APO, ROY K. APO,  
ASHLEY L. APO, CODY K. APO, MITCHEL K. APO,  
DALPHIN A. K. APO TREMAINE, DAPHNE A. K. NEWMAN,  
formerly known as Daphne A. K. Apo Nawai,  
SANDRA DEE A. SILVA, formerly known as Sandra Dee Apo,  
and KATHERINE EASTMAN

Grantee: DALE McBEATH  
13 Quarry, San Rafael, CA 94901

PROPERTY DESCRIPTION:

TMK: 5-9-002-066 (4)

LIBER/PAGE:

DOCUMENT NO.  
TRANSFER CERTIFICATE OF  
TITLE NO(S):

STS/ve 0697-147

T-1

WARRANTY DEED

THIS DEED, made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by HAZEL APO GROSS, \_\_\_\_\_, whose residence and mailing address is 7218 Golfcrest Drive, San Diego, California 92119, ALMIRA KAWAILIULA APO, unmarried, whose residence is in Waimea, Kauai, Hawaii and whose post office address is P. O. Box 761, Waimea, Hawaii 96796, GILMAN N. APO, \_\_\_\_\_, whose residence is in Waimea, Kauai, Hawaii and whose post office address is P. O. Box 29, Waimea, Hawaii 96796, ANNIE W. LACRO, \_\_\_\_\_, whose residence is in Waimea, Kauai, Hawaii and whose post office address is P. O. Box 191, Waimea, Hawaii 96796, CLIFFORD K. APO, \_\_\_\_\_, whose residence is in Waimea, Kauai, Hawaii and whose post office address is P. O. Box 297, Waimea, Hawaii 96796, HARTWELL P. APO, husband of Cheryl-Ann K. Apo, whose residence and mailing address is 5625 Papa Street, Koloa, Hawaii 96756, LANI APO, \_\_\_\_\_, whose residence is in Waimea, Kauai, Hawaii and whose post office address is P. O. Box 34, Waimea, Hawaii 96796, ROY K. APO, \_\_\_\_\_, whose residence is in Waimea, Kauai, Hawaii and whose post office address is P. O. Box 71, Waimea, Hawaii 96796, ASHLEY L. APO, \_\_\_\_\_, whose residence is in Lawai, Kauai, Hawaii and whose post office address is P. O. Box 495, Lawai, Hawaii 96765, CODY K. APO, \_\_\_\_\_, whose residence is in Lawai, Kauai, Hawaii and whose post office address is P. O. Box 495, Lawai, Hawaii 96765, MITCHEL K. APO, \_\_\_\_\_, whose residence and mailing address is 220 Hoomalu Street, Pearl City, Hawaii 96792, DALPHIN A. K. APO TREMAINE, \_\_\_\_\_, whose residence and mailing address is 1289 Ala Kapuna Street, #301, Honolulu, Hawaii 96819, DAPHNE A. K. NEWMAN, formerly known as Daphne A. K. Apo Nawai, married, whose residence and mailing address is W4431 Cloquallum, Shelton, Washington 98584, SANDRA DEE A. SILVA, formerly known as Sandra Dee Apo, married, whose residence is in Hilo, Hawaii and whose post office address is P. O. Box 10092, Hilo, Hawaii 96721, and KATHERINE EASTMAN, \_\_\_\_\_, whose residence and mailing address is 2970 Jarktar Avenue, Oxnard, California 93035, hereinafter called the "Grantor," and DALE McBEATH, unmarried, whose residence and mailing address is 13 Quarry, San Rafael, California 94901, hereinafter called the "Grantee";

WITNESSETH:

That in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee as Tenant in

Severalty, his heirs and assigns, in fee simple, all of that certain parcel of land described in Exhibit "A", attached hereto and made a part hereof.

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all buildings, improvements, rights, easements, privileges and appurtenances thereon and thereto belonging or appertaining or held and enjoyed therewith, unto the Grantee according to the tenancy herein set forth, forever.

AND, in consideration of the premises, the Grantor does hereby covenant with the Grantee that the Grantor is seized of the property herein described in fee simple; that said property is free and clear of and from all liens and encumbrances, except for the lien of real property taxes not yet by law required to be paid, and except as may herein specifically be set forth; that the Grantor has good right to sell and convey said property, as aforesaid; and, that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

The rights and obligations of the Grantor and the Grantee shall be binding upon and inure to the benefit of their respective estates, heirs, personal representatives, successors, successors in trust and assigns. All obligations undertaken by two or more persons shall be deemed to be joint and several unless a contrary intention shall be clearly expressed elsewhere herein.

The conveyance herein set forth and the warranties of the Grantor concerning the same are expressly declared to be in favor of the Grantee, his heirs, personal representatives, and assigns.

This Warranty Deed may be signed and acknowledged in counterpart, each of which shall be considered an original, and the counterpart shall together constitute one and the same Warranty Deed, binding all of the parties to the Warranty Deed, notwithstanding that all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and deliver of this Warranty Deed, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

The terms "Grantor" and "Grantee," as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine, feminine, or neuter, the singular or plural number, individuals, partnerships, trustees, or corporation, and their and each of their respective successors, heirs, personal representatives and assigns,

according to the context thereof. If these presents shall be signed by two or more Grantors or by two or more Grantees, all covenants of such parties shall for all purposes be joint and several.

IN WITNESS WHEREOF, the Grantor has executed these presents on the day and year first above written.

\_\_\_\_\_  
HAZEL APO GROSS

\_\_\_\_\_  
ALMIRA KAWAILIULA APO

\_\_\_\_\_  
GILMAN N. APO

\_\_\_\_\_  
ANNIE W. LACRO

\_\_\_\_\_  
CLIFFORD K. APO

\_\_\_\_\_  
HARTWELL P. APO

\_\_\_\_\_  
LANI APO

---

ROY K. APO

---

ASHLEY L. APO

---

CODY K. APO

---

MITCHEL K. APO

---

DALPHIN A. K. APO TREMAINE

---

DAPHNE A. K. NEWMAN, formerly known  
as Daphne A. K. Apo Nawai

---

SANDRA DEE A. SILVA, formerly known  
as Sandra Dee Apo

---

KATHERINE EASTMAN

"Grantor"

EXHIBIT "A"

HAENA HUI

LOT 66

SAM APO AND HAZEL GROSS - AWARDEES

LAND SITUATED AT THE SOUTHERLY END OF ROAD "H" AND ALONG THE  
NORTHWEST BOUNDARY OF LOT 201 OF WAINIHA HUI LAND (EQUITY NO. 109)

AT HAENA, HALELEA, KAUAI, HAWAII

*Being a Portion of the Ahupuaa of Haena,*

Royal Patent 3596, Land Commission Award 10,613, Apana 6 to Abner Paki

Beginning at the Southeast corner of this parcel of land, on the Northwest boundary of Lot 201 of Wainiha Hui Land (Equity No. 109), being also the Southwest corner of Lot 67, the coordinates of said point of beginning referred to Government Survey Triangulation Station "NIHA 2" being 552.84 feet South and 4,677.15 feet West and running by azimuths measured clockwise from true South:

1. 49° 27' 99.53 feet along the Northwest boundary of Lot 201 of Wainiha Hui Land (Equity No. 109) to the middle of stream;

Thence following down the middle of stream, along remainder of the Ahupuaa of Haena (Lots 62 and 63) for the next three (3) courses, the direct azimuths and distances between points in middle of said stream being:

2. 151° 53' 30" 140.60 feet;
3. 172° 13' 116.30 feet;

712

EXHIBIT "A"

4. 179° 35' 30" 7.99 feet; thence
5. 264° 25' 139.18 feet along remainder of the Ahupuaa of Haena (Lot 65 and Road "H");
6. 354° 25' 197.01 feet along remainder of the Ahupuaa of Haena (Lot 67) to the point of beginning and containing an area of 28,875 square feet, more or less.

Together with an undivided one-fourth (1/4) interest in Road "H" hereinafter described.

HAENA HUI  
ROAD "H"  
TO THE OWNERS OF LOTS 65, 66, 67, AND 68 IN EQUAL SHARES

LAND SITUATED ON THE SOUTH SIDE OF ROAD "A"  
AT HAENA, HALELEA, KAUAI, HAWAII

Being a Portion of the Ahupuaa of Haena,  
Royal Patent 3596, Land Commission award 10,613, Apana 6 to Abner Paki

Beginning at the Southwest corner of the parcel of land, on the Northerly boundary of Lot 66, the coordinates of said point of beginning referred to Government Survey Triangulation Station "NIHA 2" being 358.72 feet South and 4,716.24 feet West and running by azimuths measured clockwise from true South:

1. 174° 25' 215.67 feet along remainder of the Ahupuaa of Haena (Lot 65);

Thence along remainder of the Ahupuaa of Haena (Lot 65), on a curve to the left with a radius of 15.00 feet, the chord azimuth and distance being:

2. 126° 43' 15" 22.19 feet;

Thence along the South side of Road "A", on a curve to the right with a radius of 690.00 feet, the chord azimuth and distance being:

EXHIBIT "A"

3. 261° 09' 04" 51.20 feet;

Thence along remainder of the Ahupuaa of Haena (Lot 68), on a curve to the left with a radius of 15.00 feet, the chord azimuth and distance being:

4. 38° 50' 49" 21.00 feet;

5. 354° 25' 218.53 feet along remainder of the Ahupuaa of Haena (Lots 68 and 67);

6. 84° 25' 20.00 feet along remainder of the Ahupuaa of Haena (Lot 66) to the point of beginning and containing an area of 4,757 square feet, more or less.

Being all of the land conveyed by the following:

(1) COMMISSIONERS' DEED

Grantor: HENRY C. WEDEMEYER, YEISO YAMAURA and NICHOLAS A. AKANA, Commissioners appointed in Civil No. 30 in the Fifth Circuit of Hawaii to partition the lands of Haena Hui also known as the "Hui Kuai Aina o Haena", being the Ahupuaa of Haena, also known as Royal Patent 3596, Land Commission Award 10,613, Apana 6 to Abner Paki, pursuant to the powers granted to them by said Court and in accordance with the Final Order in Partition entered on October 20, 1967

Grantee: SAM K. APO (husband of Katherine K) and HAZEL APO GROSS, no marital status shown, as Tenants in Common

Dated: November 17, 1967

Book: 5930

Page: 44

EXHIBIT "A"

- (2) ORDER APPROVING FINAL ACCOUNTS AND DISTRIBUTING AND  
SETTLING ESTATE - PROBATE NO. 2502 - FIFTH CIRCUIT COURT-  
STATE OF HAWAII - "IN THE MATTER OF THE ESTATE OF SAMUEL  
KAMUELA APO, also known as SAMUEL APO, JR. and SAM APO,  
DECEASED"

Dated: April 26, 1983

Book: 17027

Page: 77

Distributed to: ALMIRA KAWAILIULA APO, widow, as to an  
undivided one-half (1/2) interest,  
GILMAN N. APO, no marital status shown, as to an  
undivided one twenty-fourth (1/24) interest,  
ANNIE W. LACRO, no marital status shown, as to an  
undivided one twenty-fourth (1/24) interest,  
CLIFFORD K. APO, no marital status shown, as to an  
undivided one twenty-fourth (1/24) interest,  
HARTWELL P. APO, no marital status shown, as to an  
undivided one twenty-fourth (1/24) interest,  
LANI APO, no marital status shown, as to an undivided  
one twenty-fourth (1/24) interest,  
ROY K. APO, no marital status shown, as to an undivided  
one twenty-fourth (1/24) interest,  
DARRELL K. APO, no marital status shown, as to an  
undivided one twenty-fourth (1/24) interest, (deceased),  
MITCHEL K. APO, no marital status shown, as to an  
undivided one twenty-fourth (1/24) interest,  
DALPHIN A. K. APO TREMAINE, no marital status  
shown, as to an undivided one twenty-fourth (1/24)  
interest, DAPHNE A. K. APO NAWAI, no marital status  
shown, as to an undivided one twenty-fourth (1/24)  
interest, SANDRA DEE APO, no marital status shown, as  
to an undivided one twenty-fourth (1/24) interest, and  
KATHERINE EASTMAN, no marital status shown, as to  
an undivided one twenty-fourth (1/24) interest  
Re: (As to an undivided one-half (1/2) interest)

EXHIBIT "A"

- (3) ORDER APPROVING FINAL ACCOUNT, DISTRIBUTION OF ESTATE AND DISCHARGE OF PERSONAL REPRESENTATIVE - PROBATE NO. P. 99-0065 - FIFTH CIRCUIT COURT - STATE OF HAWAII - "IN THE MATTER OF THE ESTATE OF DARRELL KELII APO, also known as Darrell K. Apo, DECEASED"

Dated: August 28, 1999  
Document No.: 99-140659  
Distributed to: ASHLEY L. APO, no marital status, as to an undivided one-half (1/2) interest,  
CODY K. APO, no marital status, as to an undivided one-half (1/2) interest  
(As to an undivided one forty-eighth (1/48th) interest)

NOTE:

The Department of Health, Research and Statistics Office of the State of Hawaii discloses the marriage of HARTWELL P. APO and CHERYL-ANN KUULEIALOHA KAIMI on July 7, 1995 in Kauai, Hawaii.

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. Any variations in and along the boundaries running along the Stream, as may be caused by the natural deviation of said Stream.



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

AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
BOATING AND OCEAN RECRE  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
LAND DIVISION  
STATE PARKS  
WATER RESOURCE MANAGEMENT

Ref:PB:EAH

DEC 27 1999

Correspondence No. 00-112

Mr. Dale McBeath  
13 Quarry  
San Rafael, CA 94901

Dear Mr. McBeath,

Subject: Land Parcel at Tax Map Key 5-9-02:66

We received your letter requesting information about the Conservation District Use Application (CDUA) process for the subject parcel and we have the following comments. The land parcel on the island of Kauai designated by Tax Map Key 5-9-02:66 and within Land Division 4 is located in the Limited Subzone of the State of Hawaii's Conservation District. In addition, all neighboring parcels are also in the Limited Subzone. The closest conservation district subzone boundary borders the Resource Subzone and is approximately 1,044 ft. to the Southwest. Therefore, no subzone determination is needed for a CDUA for this parcel.

According to Section 343-5(2) HRS, all land uses in the Conservation District require an environmental assessment. A sample CDUA for a single-family residence (SFR) at Haena is attached, and includes an environmental assessment. Information regarding the EA/EIS process in the State of Hawaii can be obtained from the:

Office of Environmental Quality Control  
235 South Beretania St., Suite 702  
Honolulu, HI 96813  
(808) 586-4185

In addition, a Special Management Area (SMA) permit is required for land uses under certain conditions, however, SFRs are often exempt. On the island of Kauai, the County of Kauai administers SMA permits. Information can be obtained from the County at:

Planning Department, County of Kauai  
4444 Rice St.  
Lihue, HI 96766  
(808) 241-6677

T-2

MARYANNE W. KUSAKA  
MAYOR



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

PLANNING DEPARTMENT

March 2, 2000

Dale McBeath  
13 Quarry  
San Rafael, CA 94901

Subject: Special Management Area (SMA) requirements  
TMK:5-9-2:66, Haena, Kauai

Dear Mr. McBeath:

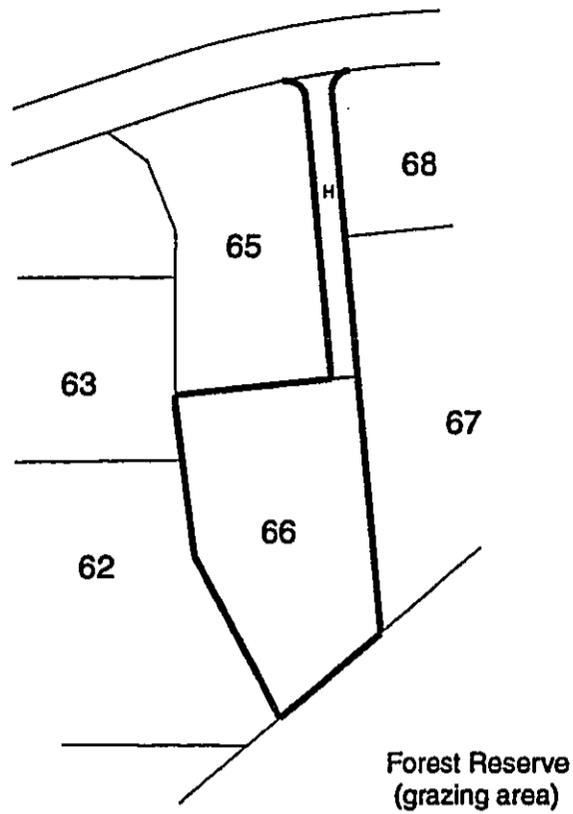
This letter is being sent to confirm that the above identified property is located within the County of Kauai SMA. However, construction of a single family residence that is not part of a larger development is not considered development according to the County of Kauai SMA Rules and Regulations. Therefore, your proposal for construction of one single family residence on the property will not require an SMA Permit.

For your information, attached are sections of the North Shore Development Plan and Comprehensive Zoning Ordinance regarding setbacks and height limitations. Please contact George Kalisik of my staff at 241-6677 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dee M. Crowell".

Dee M. Crowell  
Planning Director



### Ajoining Property Owner's Names and Addresses:

lot 62	4-5-9-2-63	Steve Sommer PO 1411 Hanalei, HI
lot 63	4-5-9-2-62	Roger Browning 636 Crater Camp Dr, Calabasas, CA 91302
lot 66	4-5-9-2-66	Dale McBeath - Proposed home site 13 Quarry, San Rafael, CA 94901
lot 65	4-5-9-2-67	Mark Maxon and Robert Shaw 336 Corbett Ave SF 94114-1819
"H"	4-5-9-2-68	ROAD H
lot 68	4-5-9-2-69	Herbert and Helene Sukanuma 60 Todd Ave, Hilo, HI 96720
lot 67	4-5-9-2-70	Michael Schmidt PO Box 3118 Princeville HI 967722
forest reserve		Helea Forest Reserve, A&B Hawaii Inc PO 3440 Honolulu, HI 96801



**GARDEN ISLAND TREE CARE**  
Jim D. Campbell, Certified Arborist #437 & Tree Worker #192  
Hawaii Contractor's License #17532 & Insured  
1291 Puuopae Rd. Kapaa, HI 96746  
(808) 822-9620



April 30, 2000

Mr. Dale McBeath  
c/o Pixar  
1001 West Cutting Boulevard  
Richmond, CA 94804  
[dale@pixar.com](mailto:dale@pixar.com)

RE: Arborist Report on TMK: 4) 5-9-2-66, Kuhio Highway, Haena, Kauai, Hawaii

Dear Mr. McBeath;

At your request I have walked the property listed above and observed the tree and plant life. The property is heavily vegetated and consists mainly of *Terminalia catappa* (False Kamani), a mix of *Nocronhia emarginata* (Madagascar olive), *Aleurites moluccana* (Kukui) and also some tall *Cocos nucifera* (Coconut palms). The ground cover is made up of many common volunteer shrubs and vines. The staking was still there and I walked the entire area and did not see any rare or endangered plant life.

Respectfully yours,

Jim D. Campbell  
Certified Arborist

T-5

## **EA and CDUA Exhibits:**

# **Comments and Replies to Draft EA**

6/20/00 DLNR review and questions  
6/30/00 - my reply, awaiting county docs  
7/18/00 - my reply, with variance request on height  
7/03/00 - county support docs  
7/12/00 DLNR Notice of Acceptance  
7/13/00 Div of Forestry and Wildlife comments  
7/13/00 Engineering Branch comments  
7/18/00 to Princeville Library - public copy of EA  
8/03/00 DLNR OEQC notice, req for 5 copies of final  
8/16/00 DLNR - OP questions, SHPD questions  
8/11/00 - Dept of Planning questions / comments  
8/28/00 - my reply to their office  
7/25/00 - State Historic Preservation Div questions / comments  
8/28/00 - my reply to their office  
8/08/00 OEQC comments and requests  
8/28/00 - my reply to their office



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

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

JUN 20 2000

REF:PB:LT

File No.: KA-2993  
Acceptance Date: 6/13/00  
180-Day Exp. Date: 12/9/00

Mr. Dale McBeath  
13 Quarry Road  
San Rafael, CA 94901

Dear Mr. McBeath:

We have reviewed your application for a Conservation District Use Permit (CDUA) to construct a single family dwelling on land identified as TMK: (4) 5-9-02: 66, Haena, Kauai. However, before it can be accepted for processing, you will need to provide additional information in the following areas:

1. A single family residence in the Limited Subzone must be located in a floodplain or coastal high hazard area that conforms to applicable county regulations regarding the National Flood Insurance Program. Please provide documentation from the County of Kauai Planning Department that your property is in a floodplain or coastal high hazard area. Describe how the residence and road were sited and designed to mitigate it being in a flood hazard area.
2. In Exhibit 4 of Title 13, Chapter 5, of our administrative rules, the maximum height limit for structures is 25 feet. In your application, you refer to a limit of 30 feet. If you are asking the Board to grant an exception, you will need to provide evidence that the property is in a tsunami or flood prone area and the additional height limit is necessary to satisfy flood insurance provisions.
3. How much grading will be required for the residence and road i.e., provide estimates on amount of material proposed for excavation (in cubic yards).

4. Please expand discussion on the development of Road "H", and provide approvals from other three landowners who also have a 25% interest in the property.

Please provide a response to the above within thirty days of receipt of this letter so we may continue to process your application. Enclosed is the receipt for payment of the \$100 application fee. Should you have questions, please call Lauren Tanaka at (808)587-0385, Planning Branch of the Land Division.

Aloha,



Dean Uchida, Administrator

■ Dale McBeath ■

Dale McBeath  
13 Quarry  
San Rafael, CA 94901  
(415) 457-3661 h  
(510) 620-6085 w

re: File No. KA-2993

June 30, 2000

**DLNR**

**Lauren Tenaka**  
Case Representative  
1151 Punchbowl Street  
Honolulu, HI 96822

Dear Ms. Tenaka,

Thank you for your time on the telephone 6/30/2000. As a follow up to that call and to the letter requesting additional information regarding my CDUA, I submit the following:

- 1) As for the request for documentation from the County of Kauai Planning Department that the property is in a floodplain or coastal high hazard area, I have sent a request dated 6/20 to the county offices via registered mail. It was accepted and signed for, but I have no control over how long it may take. My last request for information from them took 2 months. I will forward it on to you as soon as it arrives.
- 1b) Describe how the residence and road were sited and designed to mitigate being in a flood hazard area: The roadway is an existing parcel intended only as a road and as such named in the original land split of the Haena Hui. It can not be moved from where it was already sited. It does rest on some of the highest contours in the area, the same as the county maintained Kuhio Highway which it will join. As can be seen in the drawings submitted with the CDUA, the site of the house is on the highest continuous contours of the existing property, and will rest on a raised, stilted foundation, conforming to National Flood Insurance Program and county codes. As an aside, the house was also sited in that spot to lessen the number of trees that would have to be removed.
- 2) Maximum height allowed is 25 feet. My drawings indicate an approximate height of 30 feet: The original research indicated a 25 to 30 foot limit, and those drawings were based on that data. I have requested both county and NFIP data, and will pass these on as soon as they are available. (They are also part of the aforementioned request to the county.
- 3) How much grading (in cubic yards) will be required for the residence and road?: As I stated on the phone, DLNR representatives told me emphatically not to have engineering or construction drawings done before the permit was approved. Without

■  
13 Quarry  
SANRAFAEL, CALIFORNIA 94901  
415 457-3661

those drawings and the hiring of contractors and excavators, I can only make a guess, based on the survey drawings included in the CDUA. You indicated this would be fine, so here is my estimate:

road "H" best guess: **115 cubic yards moved as excess**

process: from map M-8a, and using grid paper, the first 'hump' had a roughly 2 foot thick ridge I'd like to smooth, that extends over roughly 60 feet. That's  $2 \times 60 \times 20$  (feet wide) = 2400 cubic feet, or 89 cubic yards. The second 'hump' has a 1 foot thick ridge over 35 feet in length, or  $1 \times 35 \times 20 = 700$  cubic feet, or 26 cubic yards. That does not include fill for tree removal, or any moved to smooth the roadbed or control drainage. This is based on an assumption that construction equipment will need this much smoothing of the 'humps'. I prefer that less dirt is moved, but I won't know until bids go out.

House site, best guess: **90 cubic yards needed as fill**

process: from map M-8b, the proposal is for the house to rest on flat grade at 12 foot elevation. Present contours show that about 1/2 the footprint slopes below that to an extreme of 2 foot below in one corner. The footprint is roughly 30x60 feet, so half that is 900 square feet. To simplify, I look at this part as a square two feet thick, and a slice diagonally gives us half, or 900 cubic feet, which is 34 cubic yards. I'll double that to include the immediate area around the house, and then end up with 70 cubic yards. The drive is an uneven area that mostly just needs to be leveled for travel, so I estimate 20 cubic yards of fill here, for a total of 90 cubic yards of fill.

*NOTE -  
see next letter  
fill not allowed*

As you can see, almost all of the dirt moved will remain on the lot, and I'd prefer not to have to haul any in or out. I feel that it will be less than my above guesses, but without going out for bid with real drawings, this is the best I can do.

- 4) Expand the discussion on the development of Road "H" and provide approvals from other 3 land-owners: Before I submitted the CDUA, I called your office to find out what was needed and why. I was told that in this case, where the road was already in place on maps and designated as such, that as I would be paying for clearing the passage, the only access to the property, that contacting the other owners would only be a courtesy, but not required. I also contacted an attorney, who cited legal precedence from the Hawaii Supreme Court regarding use of common ownership of a roadway lot (Moffat v. Speidel, 2 Haw.App. 334, 631 p.2d 1205 1981), where use of a roadway lot for its intended purpose, as long as it did not interfere with the other co-tenants rights to same use, was within tenants rights, not needing prior consent.

From our phone conversation, I understand that you also agree, and still suggest that I contact the other owners to let them know my plans. I agree this is a good idea, and once approved, or if other need arises, I will contact them. It is my understanding from our conversation, and from precedence cited above that this should not hamper the approval process.

Thank you for reviewing my application for submittal, and for taking time on the phone with me. I have found your office to be very helpful and friendly, and look forward to a good con-

tinued relationship. If I can be of further assistance, please call, write, email, or phone.

Aloha, and thank you for your valuable time

Dale McBeath  
(510) 620-6085 days, +3hours from your time  
email at [dale@pixar.com](mailto:dale@pixar.com)

■ Dale McBeath ■

July 18, 2000

Dale McBeath  
13 Quarry  
San Rafael, CA 94901  
(415) 457-3661 h  
(510) 620-6085 w

re: File No. KA-2993

**DLNR**  
**Lauren Tenaka**  
Case Representative  
1151 Punchbowl Street  
Honolulu, HI 96822

Dear Ms. Tenaka,

Please find enclosed the response letter from the county of Kauai to me for the information you requested. To Paraphrase,

- 1) The lot is in a tsunami flood zone designated VE with a flood base of 20 feet above the mean sea level (MSL) as determined by the Federal Insurance Maps panel 30C.
- 2) Grading and Excavation can only cut down in order to level or smooth an area or roadway, as no fill is allowed. Please amend my application to say that any waste from excavation or smoothing will be removed from the site, and no fill will be used, as required per the North Shore (Kauai) Drainage and Flood Plain Management Ordinance No 630, Section 15, paragraph C(1D).
- 3) The lowest horizontal member of the house must be 20 feet or greater higher than the MSL, which is in this case the same as the Base Flood height. According to the aforementioned Ordinance No 630, the county of Kauai allows the greater of either the base flood height (20) + 15 feet (35 foot elevation), or ground level (12) + 25, ( a 37 foot elevation). Based on this, I would like to ask the board to grant an exception to allow the use of the extra 2 feet the county allows making the highest point of the house 17 feet above base flood height which is 25 feet above ground level. This would allow a slightly steeper pitch to the roof.

Thank you and Aloha,

Dale McBeath

■  
13 Quarry  
SANRAFAEL, CALIFORNIA 94901  
415 457-3661

MARYANNE W. KUSAKA  
MAYOR

WALLACE G. REZENTES, SR.  
ADMINISTRATIVE ASSISTANT



CESAR C. PORTUGAL  
COUNTY ENGINEER  
TELEPHONE 241-6600

IAN K. COSTA  
DEPUTY COUNTY ENGINEER  
TELEPHONE 241-6640

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

July 3, 2000

Mr. Dale McBeath  
13 Quarry  
San Rafael, CA 94901

Dear Mr. McBeath:

SUBJECT: FLOOD ZONE INQUIRY FOR TMK 5-9-2-66, PW 6.183

This is in response to your letter of June 20, 2000 in regards to your flood zone inquiry for the subject property. Based on panel no 30C of the Federal Insurance Rate Maps (FIRM) dated March 4, 1987 the captioned property is susceptible to flooding from the Ocean. The flood zoning is a zone VE with a corresponding base flood elevation of 20 feet above mean sea level (MSL). Zone VE is described as the coastal high hazard area with wave velocity hazard (wave action). New structures that are constructed within the flood prone areas must conform with following flood requirements:

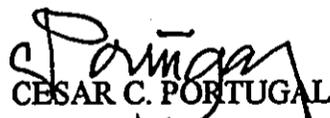
1. The lowest framing member of the structure will need to be elevated at or above 20 feet above mean sea level and noted on the building plans.
2. The building plans will need to be designed and stamped by either a structural engineer or architect duly licensed in the State of Hawaii. The above designer will need to complete a structural certification to certify that the structure is structurally stable under flooding conditions. For your convenience, we are enclosing a copy of the Coastal High Hazard Area Certification.
3. Our Drainage and Flood Plain Management Ordinance No 630, Section 15-1.5, paragraph c (1D) states "alteration of sand dunes and mangrove stands are prohibited." The County of Kauai interpreted this to mean that any fills within the coastal high hazard are (VE flood Zone) are prohibited. A notation shall be provided on the building plans that all excess wasted excavated material from the footings and grade beams shall be disposed of offsite to preserve the existing ground elevation.

Mr. Dale McBeath  
July 3, 2000  
Page 2

4. All new replacement and sanitary sewage systems shall be designed to minimize or eliminate floodwaters into the system, and discharged from the system into flood waters. The onsite waste disposal system shall be located to avoid impairment to the system from floodwaters during flooding.
5. Spaces below the base flood elevation will need to be designed as breakaway. The breakaway details will need to be shown on the building plans and certified by the designer.
6. After the lowest framing member is constructed an "Elevation Certificate" will need to be completed by either a surveyor or professional engineer duly licensed in the State of Hawaii. For your information and use we are enclosing a copy of the Elevation Certificate.
7. Our flood plain management ordinance no 630 states that within the North Shore Planning area, no structure shall be higher than twenty five (25) feet from the ground level or the base flood elevation plus fifteen (15) feet, whichever is greater at the site, unless a greater height is authorized by the Planning Commission pursuant to a use permit after review and recommendation by the North Shore Improvement Committee.

We trust the above satisfactorily responds to your inquiry. Should you have any questions, please feel free to contact Mr. Wallace Kudo of my staff at (808) 241-6620.

Very truly yours,

  
CESAR C. PORTUGAL  
County Engineer

wk

Attachment



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

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

JUL 12 2000

REF:PB:LT

File No.: KA-2993  
Acceptance Date: 6/13/00  
180-Day Exp. Date: 12/9/00

Mr. Dale McBeath  
13 Quarry Road  
San Rafael, CA 94901

Dear Mr. McBeath:

NOTICE OF ACCEPTANCE AND PRELIMINARY ENVIRONMENTAL DETERMINATION  
Conservation District Use Permit Application KA-2985  
for a Board Permit

This letter acknowledges our acceptance for processing your application to construct a single family residence on land identified by TMK: (4) 5-9-02: 66, Haena, Kauai.

According to your information, the proposed residence will be constructed primarily of wood with a non-reflective roof and be painted in earth tone colors. To raise the structure above the regulatory flood height, it will be built on a concrete or wood column foundation not exceeding 30 feet in height.

The structure will contain two bedrooms, two bathrooms, a living room/dining room/kitchen, a laundry room and a porch within a developed area not exceeding 3,500 square feet.

Parcel 68, jointly owned by the landowners of four abutting properties, will require clearing and grading for access to the subject property. A septic system with a leach field will be installed for wastewater disposal.

After reviewing the application, we find that:

1. The proposed use is an identified land use (L-6 Single Family Residence, D-1) within the Limited "L" Subzone of

the Conservation District, according to section 13-5-23, Hawaii Administrative Rules (HAR);

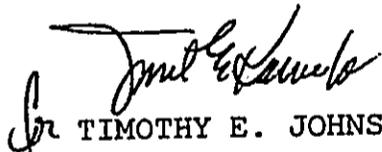
2. Pursuant to Section 13-5-40, Hawaii Administrative Rules, a public hearing will not be required; and
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Title 11, Chapter 200, HAR, a Finding of No Significant Impact (FONSI) is anticipated for the proposed project. The draft environmental assessment (EA) will be submitted to the Office of Environmental Quality Control (OEQC) for notice in the July 23, 2000 publication of the Environmental Notice (Please provide a copy of the draft environmental assessment to the public library nearest the site before July 23, 2000).

By letter of March 2, 2000, the Planning Department of the County of Kauai has determined that a Special Management Area Use Permit will not be required for this project.

Thank you for the response dated June 30, 2000. Although information from the County of Kauai's Planning Department is pending on some matters, we will begin processing this application.

Should you have any questions, please call Lauren Tanaka at (808) 587-0385, Planning Branch of the Land Division.

Aloha,

  
TIMOTHY E. JOHNS  
Chairperson

c: Kauai Board Member  
DOH/DBED&T (OP)/OEQC/OHA  
County of Kauai Plng. Dept.; PW  
DAR/DOCARE/DOFAW/HPD/Land - Eng. Branch & KDLO  
Hanalei Community Association

# Division of Forestry & Wildlife

1151 Punchbowl Street, Rm. 325 • Honolulu, HI 96813 • (808) 587-0166 • Fax: (808) 587-0160

July 13, 2000

## MEMORANDUM

TO: Lauren Tanaka, Planner  
Land Division

THRU: Dean Uchida, Administrator  
Land Division

FROM: Michael G. Buck, Administrator  
Division of Forestry and Wildlife



SUBJECT: CDUA KA-2993 for Proposed Single Family Residence by Dale  
McBeath, Haena, Kauai TMK:(4) 5-9-02: 66.

We have reviewed the CDUA application KA-2993 for the proposed single family residence by Dale McBeath on "Limited" subzone of the State Conservation District. The proposed development will not affect any of DOFAW's programs and therefore, we do not have any objections to this application. Thank you for the opportunity to comment.

C: Kauai DOFAW Branch

00. 20 11 11 00

DLNR-LAND DIVISION  
ENGINEERING BRANCH

REF: PB: LT

COMMENTS

The proposed construction of single Family Residence does not affect our current projects and programs.

The proposed project site, according to FEMA Community Panel Number 15002 0030 C, is located in Zones VE and AE. Zone VE is an area in coastal flood with velocity hazard (wave action); no base flood elevations determined while Zone AE is an area with base flood elevations determined.

The proposed project must comply with rules and regulations of the National Flood Insurance program (NFIP) and all applicable County Flood Ordinances. If there are questions regarding the NFIP, please contact the State Coordinator Sterling Yong, of the Department of Land and Natural Resources at 587-0248. If there are questions regarding flood ordinances, please contact the applicable County representative.

7/18/2000

Dale McBeath  
13 Quarry Road  
San Rafael, CA 94901

Princeville Public Library  
ATTN: Lani Kawahara  
P.O. Box 228901  
Princeville, Kauai, HI 96722

Dear Ms. Lani

Please find enclosed a CDUA (Conservation District Use Application), containing an Environmental Assessment for building a private residence in Haena, to be made accessible to the public at the nearest library to the site, as required by the state Department of Land and Natural Resources. I spoke to a representative from the Lihue Branch who told me you were the one to address this. Thank you very much for your time and help with this matter. If you need additional information, you can reach me at the address above, or phone: (510) 620-6085, or email: [dale@pixar.com](mailto:dale@pixar.com).

Aloha,

Dale McBeath



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

AQUACULTURE DEVELOPMENT  
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CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
LAND DIVISION  
STATE PARKS  
WATER RESOURCE MANAGEMENT

AUG - 3 2000

REF:PB:LT

File No.: KA-2993

Mr. Dale McBeath  
13 Quarry Road  
San Rafael, CA 94901

Dear Mr. McBeath:

Subject: Conservation District Use Permit (CDUA) Application  
KA-2993 and Draft Environmental Assessment (EA) for a  
Single Family Residence; TMK: (4) 5-9-02: 66 and 68,  
Haena, Kauai

The Office of Environmental Quality Control (OEQC) implements Chapter 343, Hawaii Revised Statutes (HRS), requiring government to systematically review the environmental, social, and economic consequences of proposed development projects.

OEQC publishes a notice of availability of both documents for a thirty (30) day public review period in their biweekly bulletin, the Environmental Notice. During this period, the Applicant responds to comments received (enclosed) and includes copies of both in a final EA together with any revisions to the application (\*\*NOTE: None of the comments require a response from you. However, the final EA will be a revised draft EA as it will reflect the changes described in your letter dated July 18, 2000).

Notice of availability of your CDUA and EA was published in OEQC's July 23, 2000 issue of the bulletin. Comments received up to August 23, 2000 may require a response. In order to meet the deadline for OEQC's publication of the final EA on September 8, 2000, you will have to submit the 5 copies to us before August 28, 2000.

This part of the process will end on October 8, 2000 and if all issues have been addressed, the Staff Planner prepares a

recommendation on the application in a report. Acceptance of this report by the Chairperson means the application is scheduled for action by the Board at one of their meetings, which are held every two weeks, on a Friday. We ask that the Applicant or a designated representative be present at this meeting to answer any questions or concerns which may be raised by Board members.

The entire process of reviewing CDUAs must be accomplished within the statutory time period of 180 days. Please feel free to call me at (808) 587-0385, should you have any questions.

Sincerely,



Lauren Tanaka



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

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

AUG 16 2000

REF:PB:LT

File No.: KA-2993  
180-Day Exp. Date: 12/9/00

Mr. Dale McBeath  
13 Quarry Road  
San Rafael, CA 94901

Dear Mr. McBeath:

**Subject: Conservation District Use Permit Application (CDUA)  
KA-2993 for a Single Family Residence; TMK: (4) 5-9-  
02: 66, Haena, Kauai**

I am transmitting the comments submitted by the Office of Planning on your application. Please address in particular, the public access issues raised in their letter. I suggest you contact Richard Stook with that office for consultation.

To clarify my letter of August 3, 2000, the scheduling that was presented for filing the final Environmental Assessment (EA) for the proposed project with OEQC may have appeared to be a requirement for processing your CDUA. It is not required that notices to the public on the availability of the draft and final EA be published in consecutive issues of their bulletin. If we miss one, the next publication date comes in less than 2 weeks.

I would recommend that you contact the State Historic Preservation Division (SHPD) for consultation regarding their comments. Archaeological inventory surveys are conducted while the CDUA is in process when there is evidence that historic sites may be present on the property. Some landowners would prefer to wait for the Board's approval of the CDUA.

In any event, it is a practice of this office to include as one of the conditions of permit approval that prior to any land clearing activities or construction work being performed on the

property, the applicant shall submit an archaeological inventory survey for review and approval by the SHPD.

Please review and respond to the two letters and include both in the final EA. Additional comments may be forthcoming. Comments received after August 23, 2000, will be accepted provided we are notified that they will be late in coming. Do you have a FAX machine that I can access to transmit correspondences? If I may be of assistance, please do not hesitate to call me at (808) 587-0385.

Sincerely,

*Lauren Tanaka*

Lauren Tanaka, Planner  
Planning Branch, Land Division



**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**

BENJAMIN J. CAYETANO  
GOVERNOR  
SEIJI F. NAYA, Ph.D.  
DIRECTOR  
PHILIP J. BOSSERT  
DEPUTY DIRECTOR  
DAVID W. BLANE  
DIRECTOR, OFFICE OF PLANNING

**OFFICE OF PLANNING**

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846  
Fax: (808) 587-2824

Ref. No. P-8754

August 11, 2000

To: Mr. Dean Uchida  
Administrator, Land Division  
Department of Land and Natural Resources

From: David W. Blane  
Director, Office of Planning

Subject: Conservation District Use Application (Board Permit) for the Construction of a  
Single Family Residence on TMK: (4) 5-9-02: 66 at Haena, Kauai

The Office of Planning (OP) has reviewed the above-referenced Conservation District Use Application and we provide the following comments:

The applicant, Dale McBeath, proposes to construct a single-family residence on a 28,875 square foot parcel (TMK: (4) 5-9-2: 66) in Haena, Kauai. The subject parcel is located within the Limited Subzone of the Conservation District and within the Special Management Area. The proposed residence will not exceed 30 feet in height and the total area will not exceed 3,500 square feet. The residence will be constructed primarily of wood, have a non-reflective roof, will be painted an earth-tone color, and will utilize a septic system for disposal of wastewater. Access to the residence will be via a proposed roadway (referred to as "Road H") that will connect Kuhio Highway to the northeast corner of the subject parcel. The location of Road H is currently undeveloped and will need to be partially cleared.

Runoff from the project site drains into an existing intermittent drainageway which runs along the western boundary of the property. The drainageway extends north under Kuhio Highway and terminates at the beach south of Haena Point. The preservation of coastal and marine water quality and the control of non-point source pollution of coastal waters are prime concerns of the OP. The applicant should implement drainage and erosion control measures in compliance with the applicable rules and regulations of the County of Kauai and the State Department of Health both during and after construction activities.

Mr. Dean Uchida  
Page 2  
August 11, 2000

The Environmental Assessment (EA) indicates that the applicant is "not aware of any historical, cultural or archaeological sites" in the project area. The State Historic Preservation Division (SHPD) should be consulted to confirm the presence of any known archaeological features which may exist within the project area. Furthermore, in addition to informing SHPD, the applicant should immediately contact the Kauai Island Burial Council in the event human remains are inadvertently unearthed during construction activities.

The beach and near-shore waters located approximately 600 feet north of the project site are frequented by a variety of recreational users. Recreational uses of these waters include surfing, canoe paddling, gill netting, and fishing. The public has been parking along the edge of Kuhio Highway when accessing the beach.

The Road H entrance will be located along Kuhio Highway directly across from an existing roadway (Road D-2) which provides the public beach access and will be located in an area that is presently used by the public for parking purposes. Consequently, the Road H entrance will result in the loss of a portion of this off road parking area.

It appears that the existing parking area at this location along Kuhio Highway is limited (Figure 1 page M-10a). The EA does not address the availability or location of alternate off-road public parking areas in the project vicinity. Potential adverse traffic, safety and/or access-related impacts resulting from the proposed location of the Road H entrance should be adequately addressed.

Thank you for the opportunity to review the application and provide comments. If you have any questions, please contact Richard Stook at 587-2804.

cc. Ms. Esther Ueda, LUC

Dale McBeath  
13 Quarry  
San Rafael, CA 94901  
(415) 457-3661 h  
(510) 620-6085 w

David W. Blane  
Director, Office of Planning  
P.O.Box 2359  
Honolulu, Hawaii 96804

August 28, 2000

ref: P-8754

re: Reply to Comments from Draft Environmental Assessment 4-5-9-2-66,  
McBeath Residence, Haena, Kauai

Dear Mr. Blane,

Thank you for your comments regarding my CDUA/EA dated August 11, 2000. I will reply to these in the Final EA, and would like to also share them with your office directly in case you have additional comments or helpful suggestions.

1. Construction impacts. I contacted Alec Wong at the State Department of Health / Clean Water Branch, and was told there were no guidelines for single family dwellings, that they deferred to the county planning offices. I then contacted Wallace Kudo at the Kauai Planning/Public Works Division and asked for erosion and drainage guidelines for during and after construction. I was told that the only guidelines they have are for lots over one acre, but that I could get a copy of those if I wanted. I now have those, and will make sure my contractor knows of these, and that he will follow all county rules and regulations in this matter, and that he knows my desire to keep all construction debris and run off out of the drainage area.
2. Archeological Inventory / SHPD. I have contacted Nancy McMahon at the State Historic Preservation Division of the DLNR to inquire about existing records and procedures for initiating an archeological inventory of the property. I have contacted various firms that do the required work, and may start the survey even before the end of the 180 day CDUA process. If for some reason it is not done by then, it will definitely be done before any construction or clearing commences. The SPHD and the Kauai Island Burial Council will be notified if any human remains are unearthed during construction activities.
3. Road "H" impacts on off-road parking. I contacted Keith Nitta at the Kauai County Planning Office / Engineering Division who inform me that I was entitled to expect that the public would not block a drive way or access roadway, and that on the survey map, buffers were included on each side of the exit to make sure there would be a clear view for cars exiting to the highway, and that these were also meant to be non-parking areas. He also stated that the public is usually discouraged from parking on the side of the highway, though they still do it anyway. He said that his office had no problem with my plans and noted there was public parking for the beach directly opposite, on the side of the access roadway to the beach. Also, as the included picture was only of

the actual junction of road "H" with the highway, it didn't show that the same type of off-road parking was being used all along both sides of the highway, any where there wasn't an existing house or drive. I called your office and spoke to Richard Stook who indicated that I should state all of this in my reply.

Again, thank you for your comments, and my thanks to Richard Stook, who gave me pleasant and informative help along the way. Please contact me as soon as possible if I have not addressed your comments fully, as I would like to print up the Final EA soon.

Sincerely,

Dale McBeath

BENJAMIN J. CAYETANO  
GOVERNOR OF HAWAII



TIMOTHY E. JOHNS, CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES  
JANET E. KAWELO

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

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

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

July 25, 2000

MEMORANDUM

LOG NO: 25845 ✓  
DOC NO: 0007NM11

TO: Dean Uchida, Administrator  
Land Division

FROM: Don Hibbard, Administrator  
State Historic Preservation Division 

SUBJECT: Historic Preservation Review -- File No. KA-2993  
For McBeath Single Family Residence, TMK: 5-9-02: 66  
Haena, Hanalei, Kauai

Thank you for the opportunity to comment. No completed archaeological inventory surveys have been conducted on the parcel. Burials and cultural deposits have been found in nearby parcels. If the following recommendations are followed, then we believe that the proposed work will have "no adverse effect" on significant historic sites:

1) An archaeologist inventory survey shall be conducted by a qualified archaeologist prior to construct or land clearing activities. A report documenting the archaeological work shall be submitted to the State Historic Preservation Division for review and approval. The report shall include: 1) Detail drawings of burials and deposits to scale. 2) All artifacts shall be sketched and photographed. 3) Analyses of all perishable and datable remains shall be conducted. 4) Stratigraphic profiles shall be drawn and made to scale. 5) All locations of historic sites shall be on an overall map of the project area. 6) Initial significance evaluations shall be included for each historic site found. and 7) Documentation on the nature and age of the historic sites shall be done. If significant historic sites are found then proposed mitigation or preservation plans can be submitted for review and approval.

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

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

NM:amk

Dale McBeath  
13 Quarry  
San Rafael, CA 94901  
(415) 457-3661 h  
(510) 620-6085 w

Don Hibbard  
Administrator, State Historic Preservation Division  
c/o Nancy McMahon  
5532 Tapa St.  
Koloa, Kauai, HI 96756

August 28, 2000

log: 25845, ref Doc: 007NM11

re: Reply to Comments from Draft Environmental Assessment 4-5-9-2-66,  
McBeath Residence, Haena, Kauai

Dear Mr. Hibbard,

Thank you for your comments regarding my CDUA/EA dated August 11, 2000. I will reply to these in the Final EA, and would like to also share them with your office directly in case you have additional comments or helpful suggestions.

1. Archeological Inventory / SHPD. Nancy McMahon was great help both with clarifying the situation, and with web links to information at your site. I have contacted various firms that do the required work, and may start the survey even before the end of the 180 day CDUA process. If for some reason it is not done by then, it will definitely be done before any construction or clearing commences.
2. Burials. The SPHD, the Office of Hawaiian Affairs, and the Kauai Island Burial Council will be notified if any human remains are unearthed during construction activities. I understand that other groups may need to be contacted if burials are encountered, and that the procedures for this can be found in Chapter 6E-43.

Could you please copy, or point me to an on-line source for the aforementioned Chapter 6E-43?

Again, thank you for your comments, and my thanks to Nancy McMahon, who gave me pleasant and informative help along the way. Please contact me as soon as possible if I have not addressed your comments fully, as I would like to print up the Final EA soon.

Sincerely,

Dale McBeath

BENJAMIN J. CAYETANO  
GOVERNOR



GENEVIEVE SALMONSON  
DIRECTOR

STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

236 SOUTH BERETANIA STREET  
SUITE 702  
HONOLULU, HAWAII 96813  
TELEPHONE (808) 686-4186  
FACSIMILE (808) 686-4188

August 8, 2000

Dean Uchida, Administrator  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96809

Attention: Lauren Tanaka

Dear Mr. Uchida:

Subject: Draft Environmental Assessment (EA) for McBeath Single Family Dwelling, Haena, Kauai

We have the following comments to offer:

1. Two-sided pages: In order to reduce bulk and conserve paper, we recommend printing on both sides of the pages in the final document.
2. Construction impacts: In section X.C., on page 29, the draft EA states that measures will be taken to ensure that no construction materials or run-off will enter the drainage area or ocean. In the final EA please list the measures that you will implement.
3. Contacts:
  - A. Notify the State Historic Preservation Division of DLNR regarding any possible historic or archeological remains on the parcel, and notify the nearest neighbors or neighboring landowners of the proposed project.
  - B. Include copies of any correspondence with the Dept. of Health regarding installation of an individual wastewater system, and the Kauai Water Department. In the final EA document any other contacts you have made.

Dean Uchida  
August 7, 2000  
Page 2

4. Permits: List the status of all permit applications in the final EA and the anticipated start and end dates of construction.
5. Sustainable Building Design: Please consider applying sustainable building techniques as presented in the enclosed "Guidelines for Sustainable Building Design in Hawaii." In the final EA include a description of any of the techniques you will implement.

If you have any questions, call Nancy Heinrich at 586-4185.

Sincerely,



GENEVIEVE SALMONSON  
Director

Enc.

c: Dale McBeath

Dale McBeath  
13 Quarry  
San Rafael, CA 94901  
(415) 457-3661 h  
(510) 620-6085 w

Genevieve Salmonson  
Director, OEQC  
236 South Beretania, Street  
Suite 702  
Honolulu, Hawaii 96813

August 28, 2000

re: Reply to Comments from Draft Environmental Assessment 4-5-9-2-66,  
McBeath Residence, Haena, Kauai

Dear Genevieve Salmonson,

Thank you for your comments regarding my CDUA/EA dated August 8, 2000. I will reply to these in the Final EA, and would like to also share them with your office directly in case you have additional comments or helpful suggestions.

1. Two Sided Pages. I will attempt to re-format the entire document, but can't promise this at this time. Unfortunately, the CDUA/EA examples I was given were all in the double spaced, single sided legal format. I had asked about this from the DLNR and they had indicated that single sided was easier for them to make copies from. I will try to pull it all into a more compact format for the Final EA.
2. Construction impacts. I contacted Alec Wong at the State Department of Health / Clean Water Branch, and was told there were no guidelines for single family dwellings, that they deferred to the county offices. I then contacted Wallace Kudo at the Kauai Public Works/Engineering Division and asked for erosion and drainage guidelines for during and after construction. I was told that the only guidelines they have are for lots over one acre, but that I could get a copy of those if I wanted. I now have those, and will make sure my contractor knows of these, and that he will follow all county rules and regulations in this matter, and that he knows my desire to keep all construction debris and run off out of the drainage area.
- 3A. Contacts / SHPD. I have contacted Nancy McMahon at the State Historic Preservation Division of the DLNR to inquire about existing records and procedures for initiating an archeological inventory of the property. I have contacted various firms that do the required work, and may start the survey even before the end of the 180 day CDUA process. If for some reason it is not done by then, it will definitely be done before any construction or clearing commences.
- 3B. Contacts / Wastewater System. I contacted Joe Tateyama at the County Dept. of Health, Wastewater Division, and was told that all new construction in the area had to have a septic system installed, and that they would provide the design engineer with the details when the engineering plans were

produced during the normal county permits phase.

4. Permits. There have been no other permits applied for on this project. As the finding of the board could change the overall plans, not even the architectural / engineering work has started beyond the conceptual stage (as was suggested by the DLNR). Because of this, the actual start and end of construction cannot be set, other than to say it will be within the limits set forth in the CDUA/EA. I would -like- to begin and complete as soon as possible, but permits and actual costs may be delaying factors.
  
5. Sustainable Building Design. I have always desired to make my home as "green" as possible, including solar water heating and low-e windows where appropriate. I appreciate the list, and will consider as many items as are feasible and possible within the constraints of the project. As can be seen from my design, most windows and doors are in the covered porch area and as such would not receive direct light except at early dawn and dusk. The others will be underneath a wide roof overhang. Any windows that pass direct sunlight will be candidates for low-e glazing. The current plan does not include air-conditioning, as it is hoped that the high flow ventilation design will keep the house cool when there are trade winds (most of the time) and the large roof vents will keep a convection of moving air when the winds are still. I will consider using local products when possible, but cost will be a factor. I will check to see if there are any county or state programs to assist when using local products, or other environmentally friendly construction methods.

Again, thank you for your comments, and my thanks to Nancy Heinrich for her pleasant and informative help along the way. Please contact me as soon as possible if I have not addressed your comments fully, as I would like to print up the Final EA soon.

Sincerely,

Dale McBeath

OCT 23 2000

**FILE COPY**

2000-10-23-KA-FEA-McBeath  
Single Family Residence

**CONSERVATION DISTRICT USE**

**PERMIT APPLICATION**

**FOR**

**DALE MCBEATH**

**Part I Conservation District Use Application, OEQC form,  
and attachments to this document.**

**Part II Final Environmental Assessment**

**Part III Exhibits to Both Documents, including Maps,  
Drawings, Support Letters, and Comments and  
replies to the previous Draft EA**

January 1, 2000

■ Dale McBeath ■

re: File No. KA-2993

Sept. 4, 2000

**DLNR**  
**Lauren Tenaka**  
Case Representative  
1151 Punchbowl Street  
Honolulu, HI 96822

Dear Ms. Tenaka,

Thank you for all your assistance with this CDUA / EA. It has been a very instructive project.

Included herein please find the 5 requested copies of the completed CDUA and Final EA. As per the requests of the OEQC, the entire document was re-formatted to single space and double sided. Also note that all changes to both documents are indicated with "change bars", vertical lines in the right margins, to make review easier. There is a new OEQC form included.

At the end of the document, there is a new exhibit section which has all of the comment letters you sent, plus my replies to their offices. The information in the replies was included back into each of the main documents also.

Highlights of the changes made:

- An Archeological Inventory will be made before construction starts, as it is now a requirement of acceptance of a CDUA
- New data from the County seems to allow a slightly taller structure on the site, and I asked you to put in a request for a variance if it was indeed the case.
- Questions regarding the access drive and off road public parking / access were found not to be an issue by the County.
- Grading can occur, but no fill-ins. All excess waste from excavation must be removed from the site, and construction materials will be kept out of the drainage area.

All of the comments were addressed, and as of this date I have not heard back from any of those offices. I will most likely not be able to attend the board meeting as I live out of state, but will be happy to answer any other questions that arise as the permit progresses.

Thank you, aloha,



Dale McBeath

■  
13 Quarry  
SANRAFAEL, CALIFORNIA 94901  
415 457-3661

**CONSERVATION DISTRICT USE**

**PERMIT APPLICATION**

**FOR**

**DALE MCBEATH**

**TO CONSTRUCT A SINGLE-FAMILY RESIDENCE**

**LOCATED AT**

**HAENA, KAUAI, HAWAII**

**KAUAI TAX MAP KEY NO.S**

**(4) 5-9-2 : 66** main lot, and

**(4) 5-9-2 : 68** access road "H"

January 1, 2000

CDUA page - 1

PART 1

CONSERVATION DISTRICT USE PERMIT APPLICATION  
FOR  
DALE MCBEATH, Property (4) 5-9-2:66

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IV.	Application for Conservation District Use Permit. . . . .	13

Exhibits:

Maps:

Area Plan/Location Map of the Parcel. . . . .	M-1
Tax Map of the Parcel . . . . .	M-2
SMA Map . . . . .	M-3
Subzone Boundary Map. . . . .	M-4
Kauai General Plan Map. . . . .	M-5
Survey Map. . . . .	M-6
Site Plan . . . . .	M-7
Grading . . . . .	M-8
Landscaping . . . . .	M-9

Drawings:

Sketch of House . . . . .	D-1
Front Elevation . . . . .	D-2
Side Elevation. . . . .	D-3
Floor Plan. . . . .	D-4

Supporting Documentation & Letters:

Title . . . . .	T-1
DLNR boundary letter . . . . .	T-2
County SMA requirement letter . . . . .	T-3
Adjoining Property Owners Names and Addresses. . . . .	T-4

**Dale McBeath**  
13 Quarry Rd.  
San Rafael, CA 94901  
(415) 457-3661 home  
(510) 620-6085 work  
email: dale@pixar.com

**Timothy Johns, Chairman**  
Board of Land and Natural Resources  
State of Hawaii  
Department of Land and Natural Resources  
P. O. Box 621  
Honolulu, Hawaii 96809

**RE: Application for a Conservation District Use Permit  
For a Single-Family Residence  
Property: Haena, Kauai, Hawaii  
Kauai Tax Map Key No. (4)5-9-02:66, (28,875 square feet)**

Dear Mr. Johns:

Transmitted herewith is the Application and related environmental assessment for the above referenced Conservation District Use Permit for the construction of a single-family residence at Haena, Kauai, Hawaii. I am the purchaser of the parcel of real property containing 28,875 square feet, and a 1/4 interest in a common access roadway, all located at Haena, Kauai, Hawaii. I propose to partially clear the roadway and construct a single-family residential dwelling on the parcel which is located within the Conservation District, Limited Subzone.

Enclosed is a certified check, in the amount of \$100.00, to cover the application fees and costs associated with the application.

If you have any questions concerning this application, or if you are in need of any additional information or clarification regarding the same, please feel free to contact me at any time.

Very truly yours,

Dale McBeath,  
applicant

encl:  
Certified Check No. 0530019314 dated May 20, 2000 Wells Fargo  
420 Montgomery St., San Francisco, CA 94163 (480) 394-3122  
( and 20 COPIES of full CDUA / EA in blue binders )

## II.

### CONSERVATION DISTRICT USE APPLICATION (Rev. 12/94)

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

This is a Department of Land and Natural Resources, office of Conservation and Environmental Affairs' Conservation District Use Application (CDUA) form. This application is to be used if you desire to apply for a land use in the State Land Use Conservation District.

All land uses, pursuant to Section 13-5-2, Hawaii Administrative Rules (HAR), require that a CDUA be filed with the Department and approved by the Board of Land and Natural Resources (Board) prior to its initiation. An application is not considered accepted for processing until the Department has found it complete. Once an application is considered "complete" by the Department, a letter of acceptance will be issued and the statutory 180-day time period will begin.

Should a "complete application not be acted upon within the 180-day time limit, the landowner/applicant may automatically put said land to the use(s) requested in the application.

Unless provided for by Title 13, Chapter 5, HAR, land uses shall not be undertaken in the Conservation District.

All applications must include the following to be considered "complete" for processing:

1. Signature of the landowner(s) and applicant (if different from the applicant). Where the landowner is a corporation, trust, association, etc., evidence of authorization for the application shall be included (i.e. letter of corporation /association ion letterhead).
2. Development and environmental information required pursuant to Section 13-5-31, HAR.
3. The appropriate filing fees as specified pursuant to Section 13-5-33, HAR.

NOTE: No permit shall be processed by the Department until any violations pending against the subject parcel are resolved (Section 13-5-31(e))

4. Compliance information with all State and Federal environmental requirements. Evidence of compliance must be provided/satisfied prior to action on the CDUA.

All applications are subject to County Special Management Area (SMA) requirements. One of the following must be satisfied from your County thirty (30) days prior to Board action on your CDUA:

1. A determination that the proposed land use(s) is outside the Special Management Area (SMA) administered by the County;

(appl. page 1)

CONSERVATION DISTRICT USE APPLICATION (Rev. 12/94)

2. A determination that the proposed land use is exempt from the provisions of the County ordinances/regulations specific to Section 205A-29(b), Hawaii Revised Statutes (HRS); or
3. A Special Management Area permit for the proposed use. (Note that an SMA permit or clearance must be received by the Department prior to action on an application.)

On page four (4) of the application form, please indicate Which of the following approvals are being sought, as specified in the Hawaii Administrative Rules:

1. Departmental permit (see section 13-5-33)
2. Board permit (see section 13-5-34)
3. Emergency permit (see section 13-5-35)
4. Temporary variance (see section 13-5-36)
5. Nonconforming use(s) (see section 13-5-37)
6. Site plan approval (see section 13-5-38)
7. Management plan (see section 13-5-39)

A public hearing(s) shall be held for all applications involving the following:

1. Land use(s) for commercial purposes.
2. Change of subzone(s) or boundaries.
3. Establishment of new boundaries.
4. Change(s) in identified use(s).
5. Land use(s) in the Protective "P" subzone.
6. I-and use(s) determined by Chairperson where the scope of the proposed use, or the public interest require one.

All correspondence related to an application will be directed to the applicant.

Please submit twenty (20) copies of the completed application and all attachments, if any, and twenty (20) copies of the environmental assessment.

Please reduce or fold attachments to a letter-size exhibit (8-1/2" x 11").

Application (s) and attachment(s) should be mailed to:

or hand-delivered to:

Department of Land and Natural Resources  
Office of Conservation and Environmental Affairs  
P. O. Box 621  
Honolulu, Hawaii 96809

Kalanimoku Bldg. (Room-131)  
1151 Punchbowl Street  
Honolulu, Hawaii 96813

For information call 587-0377.

(appl. page 2)

Dec. 1994

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

CONSERVATION DISTRICT USE APPLICATION FORM

FOR DLNR USE ONLY

Reviewed by \_\_\_\_\_  
Date \_\_\_\_\_  
Accepted by \_\_\_\_\_  
Date \_\_\_\_\_  
Docket/Fine No. \_\_\_\_\_  
180-Day Exp. \_\_\_\_\_  
EIS Required \_\_\_\_\_  
PH Required \_\_\_\_\_  
Board Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_

(print or type)

SUMMARY PAGE

I. LANDOWNER

(If State land, to be filled by State of Hawaii or government entity with management control over parcel.)

Name \_\_\_\_\_ Dale McBeath \_\_\_\_\_  
Address \_\_\_\_\_ 13 Quarry Rd. \_\_\_\_\_  
\_\_\_\_\_ San Rafael, CA \_\_\_\_\_  
\_\_\_\_\_ 94901 \_\_\_\_\_  
Telephone No. \_\_\_\_\_ (415) 457-3661 \_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

NOTE: Signature of an authorized representative of DLNR under this section is not to be construed as an approval or as an application which shall be submitted separately with the appropriate fee. Also, for private lands with multiple owners, the application shall be signed by landowners whose property interests constitute or exceed 85% of the fee ownership of the parcel(s).

II. APPLICANT

Name \_\_\_\_\_ Dale McBeath \_\_\_\_\_  
Address \_\_\_\_\_ 13 Quarry Rd. \_\_\_\_\_  
\_\_\_\_\_ San Rafael, CA \_\_\_\_\_  
\_\_\_\_\_ 94901 \_\_\_\_\_  
Telephone No. \_\_\_\_\_ (415) 457-3661 \_\_\_\_\_

Interest in Property \_\_\_\_\_ Landowner \_\_\_\_\_

\_\_\_\_\_ see Exhibit "T-1" (Title) \_\_\_\_\_  
(Indicate interest in property; submit written evidence of this interest.)

\*SIGNATURE \_\_\_\_\_

Date \_\_\_\_\_

\*If for a Corporation, Partnership, Agency or Organization, must be signed by an authorized officer.

AGENT

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

(appl. page 3)

CONSERVATION DISTRICT USE APPLICATION (Rev. 12/94)

III. TYPE OF PERMIT

- (1) Departmental permit (see section 13-5-33);
- ✓ (2) Board permit (see section 13-5-34)
- (3) Emergency permit (see section 13-5-35)
- (4) Temporary variance (see section 13-5-36)
- (5) Nonconforming uses (see section 13-5-37)
- (6) Site plan approval (see section 13-5-36); or
- (7) Management plan (see section 13-5-39)

IV. LAND PARCEL LOCATION

Island Kauai  
County Kauai  
District Haena  
Tax Map Key(s) (4)5-9-2:66 & 68  
Area of Parcel 28,875 sq. ft  
(Indicate in acres  
or sq. ft.)  
Term (if lease) N/A

V. SUMMARY OF PROPOSED IDENTIFIED LAND USE: (Cite applicable section of Title 13-5, HAR. Attach additional sheet(s) as needed.) see attachment

VI. ENVIRONMENTAL REQUIREMENTS see attachment

Pursuant to Chapter 343, Hawaii Revised Statutes, and in accordance with Title 11; Chapter 200, Environmental Impact Statement Rules for applicant actions, a Draft Environmental Assessment of the proposed use must be attached. The Draft Environmental Assessment shall include, but not be limited to the following:

- (1) Identification of applicant or proposing agency;
- (2) Identification of approving agency, if applicable;
- (3) Identification of agencies consulted in making assessment;
- (4) General description of the action's technical, economic, social, and environmental characteristics;
- (5) Summary description of the affected environment, including suitable and adequate location and site maps;
- (6) Identification and summary of major impacts and alternatives considered, if any;
- (7) Proposed mitigation measures, if any;
- (8) Determination;
- (9) Findings and reasons supporting determination; and
- (10) Agencies to be consulted in the preparation of the EIS, if applicable.

Following the end of a 30-day review period for the Draft Environmental Assessment, any comments received along with their responses must be incorporated into the Final Environmental Assessment. If appropriate, the text, figures, tables, maps, and other ancillary parts of the Environmental Assessment should be revised.

(appl. page 4)

CONSERVATION DISTRICT USE APPLICATION (Rev. 12/94)

VII. DESCRIPTION OF PARCEL see attachment

- A. Existing structures/use. (Attach description or map and one set of original photographs. Also, if applicable, include any previously obtained Federal, State and/or County permit approvals.)
- B. Existing Utilities. (If available, indicate size and location on map. Include electricity, water, telephone, drainage, and sewerage.)
- C. Existing access. (Provide map showing roadways, trails, if any. Give street name. Indicate width, type of paving and ownership.)
- D. Flora and Fauna. (Describe and provide map showing location and types of flora and fauna. Indicate if rare or endangered native plants and/or animals are present.)
- E. Topography; if ocean area, give depths. (Submit contour maps for ocean areas and areas where slopes are 40% or more. Contour maps will also be required for uses involving tall structures, gravity flow and other special cases.)
- F. If shoreline area, describe shoreline. (Indicate if shoreline is sandy, muddy, rocky, etc. Indicate cliffs, reefs, or other features such as access to shoreline.)
- G. Existing covenants, easements, restrictions. (If State lands, indicate present encumbrances.)
- H. Historic sites affected. (If applicable, attach map and descriptions.)

VIII. COMMENCEMENT DATE: see attachment

COMPLETION DATE: see attachment

IX. CITE AND DESCRIBE IN DETAIL THE PROPOSED IDENTIFIED LAND USE:  
(Refer to Title 13-5, HAR. Attach additional sheets as needed.) see attachment

X. AREA OF PROPOSED USE: aprox 28,875 sq ft.  
(Indicate in acres or sq. ft.)

XI. NAME AND DISTANCE OF NEAREST TOWN OR LANDMARK:  
Haena Beach Park, 1/4 mile West

XII. LAND USE COMMISSION BOUNDARY INTERPRETATION: If the area is within fifty feet of the boundary of the Conservation District, include a map showing the interpretation of the boundary by the State Land Use Commission.

N/A see Exhibit "M-4"

CONSERVATION DISTRICT USE APPLICATION (Rev. 12/94)

XIII. **SUBZONE BOUNDARY DETERMINATION:** Prior to the department receiving for processing any application for a permit, if the applicant's proposed land use lies within fifty feet of a subzone boundary, the applicant shall first notify the department of the intended use and seek a determination of the precise boundary of the subzone with respect to the parcel in question. (Refer to Section 13-5-17, HAP.)

N/A see Exhibit "M-4" Map, and "T-2" letter

XIV. **FEES.** Each application shall be accompanied by such filing fees as specified in Chapter 13-5, HAR. All fees shall be in the form of cash, certified or cashier's check, and payable to the State of Hawaii. sent with application

XV. **PLANS.** All applications shall contain associated plans such as a location map, site plan, floor plan, elevations and landscaping plans drawn to scale. Additionally, all plans should include a north arrow and graphic scale.

A. **Area Plan.** Area plan should include, but not be limited to, relationship of proposed uses to existing and future uses in abutting parcels; identification of major existing facilities; names and addresses of adjacent property owners. see Exhibit "M-1" and "T-4"

B. **Site Plan:** Site plan (maps) should include, but not be limited to, dimensions and shape of lot; metes and bounds, including easements and their use; existing features, including vegetation, water area, roads, and utilities. (For Site Plan Approvals, see Section 13-5-38, HAR.) see Exhibit "M-7"

C. **Construction Plan:** Construction plans should include, but not be limited to, existing and proposed changes in contours, all buildings and structures with indicated use and critical dimensions (including floor plans); open space and recreation areas; landscaping, including buffers; roadways, including widths; off-street parking area; existing and proposed drainage; proposed utilities and other improvements; revegetation plans; drainage plans including erosion sedimentation controls; and grading, trenching, filling, dredging or soil disposal. see Exhibit "M5" through "M-9", and Exhibits "D-1" through "D-4"

D. **Maintenance Plans:** For all uses involving power transmission, fuel lines, drainage systems, unmanned communication facilities and roadways not maintained by a public agency, plans for maintenance shall be included.

E. **Management Plans:** If required, refer to Section 13-5-39, HAR, and Exhibit 3, entitled "Management Plan Requirements, dated September 6, 1994 .

F. **Historic or Archaeological Site Plan:** Where there exists historic or archaeological sites on the State or Federal Register, a plan must be submitted including a survey of the site(s); significant features; protection, salvage, or restoration plans. see attachment

XVI. DEMONSTRATE THAT THE PROPOSED USE IS CONSISTENT WITH THE FOLLOWING CRITERIA:

see attachment

1. The proposed land use is consistent with the purpose of the Conservation District;
2. The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur;
3. The proposed land use complies with provisions and guidelines contained in Chapter 205A, Hawaii Revised Statutes (HRS), entitled "Coastal Zone Management," where applicable;
4. The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region;
5. The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels;
6. The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable;
7. Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District; and
8. The proposed land use will not be materially detrimental to the public health, safety and welfare.

(appl. page 7)

IV.

DALE McBEATH, Applicant  
13 Quarry Rd.  
San Rafael, CA 94901  
Telephone No.: (415) 457-3661  
or (510) 620-6085  
email: dale@pixar.com

BOARD OF LAND AND NATURAL RESOURCES  
OF THE  
STATE OF HAWAII

In the Matter of the	)	
Application	)	APPLICATION FOR CONSERVATION
	)	DISTRICT USE PERMIT FOR
Of	)	CONSTRUCTION OF A SINGLE-FAMILY
	)	RESIDENCE
DALE McBEATH, for a	)	
Conservation District Use	)	
Permit to Construct a	)	
Single-Family Residence on	)	
real property situated at	)	
Haena, Kauai, Hawaii, and	)	
further identified by Kauai	)	
Tax Map Key No.s (4)5-9-2:66,	)	
main lot, and (4)5-9-2:68,	)	
the access road.	)	

APPLICATION FOR CONSERVATION DISTRICT USE  
PERMIT FOR CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE

I. LANDOWNERS.

TMK No. (4)5-9-2:66. Main Parcel.

DALE McBEATH, owner of record as of October 25, 1999  
13 Quarry  
San Rafael, CA 94901  
(415) 457-3661

TMK No. (4)5-9-2:68. Each of the following owns an undivided 1/4 interest in ROAD "H", which is the only access to the above property:

DALE McBEATH, 25% interest  
13 Quarry  
San Rafael, CA 94901  
(415) 457-3661

Mark Maxin, 25% interest  
336 Corbett Ave.  
San Francisco, CA 94114-1819

Herbert/Helene Sukanuma 25% interest  
60 Todd Ave.  
Hilo, HI 96720

Michael Schmidt 25% interest  
PO Box 3118  
Princeville, HI 96722

**II. APPLICANT.**

**A. Applicant.**

Name: Dale McBeath  
(hereinafter referred to as "Applicant").

Address: 13 Quarry Road  
San Rafael, California,  
94901

Phone No.: (415) 457-3661

**III. TYPE OF PERMIT.**

The Applicant is applying for a Conservation District Use Permit ("CDUP") for a UsePermit pursuant to HAR Sections 13-5-23(c) (D-1), 13-5-34, 13-5-41, and 13-5-42, for the construction of a single-family residential dwelling on a parcel of land.

**IV. LAND PARCEL LOCATION**

Island/County:	Kauai
District:	Haena
Kauai Tax Map Key No.	(4)5-9-2:66 (and :68)
Area of Parcel:	28,875 square feet, main lot (4,757 square feet, road "H")

**V. SUMMARY OF PROPOSED IDENTIFIED LAND USE.**

The Applicant proposes to construct a single-family residential dwelling (hereinafter referred to as the "Dwelling") on a parcel of land identified as TMK No. (4)5-9-2:66 (hereinafter referred to as the "Parcel") and to partially clear the only access to the Parcel, identified as TMK No. (4)5-9-2-68 (hereinafter referred to as "Road "H"").

**Attached Exhibits:**

Exhibit "M-1". Area maps showing the location of the Parcel  
Exhibit "M-2". Tax Map showing the location of the Parcel  
Exhibit "M-3". The Special Management Area map  
Exhibit "M-4". The DLNR Subzone Boundary map  
Exhibit "M-5". Kauai General Plan map  
Exhibit "M-6". Survey Map of the parcel  
Exhibit "M-7". A Site Plan of proposed Dwelling on Parcel  
Exhibit "M-8". Grading Plan  
Exhibit "M-9". Landscaping/Tree-Removal Plan  
Exhibits "D-1" thru "D-4". Dwelling Floor Plan & Elevations  
Exhibits "T-1" thru "T-4". Supporting Documentation  
Exhibits "C". Requested Comments from Draft EA and replies

The proposed Dwelling will not exceed three thousand five hundred (3,500) square feet in size. It will be constructed primarily of wood, with a non-reflective roof, and will have a foundation made of concrete or wood columns on concrete footings. The Dwelling will not exceed thirty (30) feet, or the maximum allowed height. It will be painted earth-tone colors. The proposed dwelling will have two (2) bedrooms, two (2) bathrooms, a living room/dining-room/kitchen, a laundry/pantry room, and porch. The proposed dwelling will utilize a septic system for disposal of waste water. The Site Plan showing the location of the dwelling and septic system is attached as Exhibit "M-7". Joe Tateyama of the Kauai Department of Health, Wastewater Management Division was contacted and stated that the septic system will be designed by an engineer registered with the County of Kauai, and will be designed and placed according to all applicable rules and guidelines. The County Department of Health will comment and issue permits at the time the county permit is applied for.

As indicated in the Title Report attached hereto as Exhibit "T-

1", the Parcel is a legal lot of record. The metes and bounds survey of the Parcel is contained in the Title Report.

The only access to the Parcel is via the aforementioned Road "H", of which the applicant owns an undivided 1/4 interest. The road is a narrow 20 foot wide, approximately 200 foot long parcel which abuts the properties of the four landowners, and extends from Kuhio Highway south to the North-East corner of the Parcel. The roadway will have to be partially cleared to allow access to the Parcel. see Exhibits "M-8" and "M-9".

#### VI. ENVIRONMENTAL REQUIREMENTS.

see Attachment, "Part 2", The Environmental Assessment.  
As indicated in the Environmental Assessment, the proposed construction of the dwelling on the Parcel will not result in any significant environmental impacts. Please note the changes in that document from the Draft version, delineated by "change bars" like those to the right of this paragraph, and also note that the comments generated by the Draft version, along with the replies are contained in the Exhibit "C" documents.

#### VII. DESCRIPTION OF PARCEL AND STATE PROPERTY.

- A. Existing Structures/Use. The Parcel is vacant and unimproved.
- B. Existing Utilities. There are utilities on Kuhio Highway, and as such, are available to provide all necessary utility services.
- C. Existing Access. As indicated in Section V., access will be from Kuhio Highway via access Road "H" to the Parcel.
- D. Flora and Fauna. As indicated in the Environmental Assessment attached hereto, there are no rare or endangered native plants and/or animals present on the Parcel which will suffer substantial negative impacts from the proposed construction of the dwelling. The primary types of vegetation present on the Parcel or in the area where the residence will be constructed are False Kamani, Madagascar Olive, Kukui trees, a few Coconut palms, and various volunteer shrubs and vines. It may be necessary to remove approximately six (6) or more trees in order to make space to construct the dwelling and to clear access via Road "H".
- E. Topography. The Parcel is located on a gently rising and

relatively flat elevation. The proposed dwelling will be constructed approximately on the back of the parcel. The elevation of the Parcel is approximately fifteen (15) feet above mean sea level ("msl") at the highest point of the parcel.

- F. Shoreline area. The Parcel is not located directly on a shoreline, however, the county shoreline management district will review county permits. The parcel is located in both AE and VE Flood Zones, and construction will comply with NFIP and County Ordinances.
- G. Existing Covenants, Easements Or Restrictions. The Parcel is not subject to any existing covenants, easements or restrictions.
- H. Historic Sites. There are no known historic, cultural or archaeological sites on the Parcel. The construction of the proposed dwelling will not affect any known historic sites. Applicant warrants that in the event of inadvertent burial discovery, he will immediately cease all construction activity and notify the DLNR Historic Preservation Division pursuant to all applicable laws, rules and regulations.

Several walk-throughs of the subject property did not disclose any apparent historical or archeological significant sites, but it is understood that the SHPD requires that an archeological inventory be conducted prior to clearing or construction. Should the survey or actual construction disclose the presence of such sites, the State Historic Preservation Division of the DLNR and the Kauai Island Burial Council will be notified and work immediately halted until an appropriate resolution is reached in accordance with all applicable laws, rules and regulations. Nancy McMahon of the DLNR/State Historic Preservation Division has been contacted.

#### VIII. COMMENCEMENT/COMPLETION DATES.

The construction of the proposed dwelling will commence within one (1) year of the approval of the CDUA. Construction is estimated, barring any unforeseen circumstances, to be completed within three (3) years after approval. There are too many variables, especially since engineering drawings have not yet been ordered, to lock dates more accurately.

#### IX. PROPOSED LAND USE.

The Applicant intends to construct a single-family dwelling unit on the Parcel for residential purposes pursuant to HAR

Sections below:

13-5-23(c)(4)	requires board permit
13-5-23(L-6)(D-1)	Single Family Residence
13-5-23(L-3)(D-1)	Erosion Control
13-5-23(L-4)(C-1)	Landscaping
13-5-34	Board Permit
13-5-41	Single Family Residence standards

**X. AREA OF PROPOSED USE.**

The Parcel is 28,875 square feet in size (aprox. 2/3 acre). The specific portion of the Parcel to be utilized for the construction of the Dwelling is shown on the Site Plan attached hereto as Exhibit "M-7".

**XI. NEAREST TOWN/LANDMARK.**

The Parcel is located in Haena, Kauai, Hawaii. Haena Beach Park is approximately one-fourth (1/4) mile from the Parcel.

**XII. LAND USE COMMISSION BOUNDARY.**

The subzone map from Land Use Commission is attached hereto as Exhibit "M-4". The Parcel is located in the Conservation District.

**XIII. SUBZONE BOUNDARY.**

The Parcel is located within the Limited Subzone, as shown on the map attached hereto as Exhibit "M-4". The Parcel is not within fifty feet of a subzone Boundary, and is surrounded by parcels within the Limited Subzone. see Exhibit "T-2".

**XIV. FEES.**

Fees have been paid pursuant to the requirements of HAR Sections 13-5-32, and checked via phone conversation with DLNR representative Tom Eisen on 5/19/2000, who indicated that a single fee of \$100 will cover all aspects of the application, including:

13-5-32	certified check
13-5-34	application fee, plus
	major part of one acre
13-5-38	site-plan approval

**XV. PLANS.**

A. Area Plans. See Exhibits "M-1" through "M-5".

- B. Site Plans. See Exhibit "M-6" through "M-9".  
C. Construction Plan. See Exhibits "D-1" through "D-4".

**XVI. CONSISTENCY WITH APPLICABLE CRITERIA.**

The proposed use of the Parcel to construct a dwelling is compatible with the provisions of HAR Section 13-5-23, the purposes of the Conservation District, and the objectives of the Limited Subzone. As indicated in the Environmental Assessment, the proposed use will not cause any substantial adverse impact to existing natural resources within the surrounding area, community or region. The proposed dwelling, which will be constructed in accordance with the provisions of HAR Sections 13-5-41 and 13-5-42, will be appropriate in size and unobtrusive in design and color, and, as such, will be compatible with the locality and surrounding areas, and will be appropriate to the physical conditions and capabilities of the Parcel. The dwelling will be constructed with a minimum amount of modification to the Parcel so as to preserve the existing physical and environmental aspects of the Parcel, including its natural beauty, landscaping and open space characteristics. The proposed uses will not be materially detrimental to the public health, safety and welfare.

**XVII. CONCLUSION.**

The Applicant respectfully requests that the Conservation District Use Application be approved and that the Applicant be granted a Conservation District Use Permit for the construction of a single-family residential dwelling on the Parcel.

DATED: Lihue, Kauai, Hawaii, September 1, 2000.

  
DALE MCBEATH,  
Applicant

PART 2 of the CONSERVATION DISTRICT USE PERMIT APPLICATION  
FOR

DALE MCBEATH, Parcel (4)5-9-2:66 & Road "H" (4)5-9-2:68

**ENVIRONMENTAL ASSESSMENT**

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DALE McBEATH, Applicant  
13 Quarry Rd.  
San Rafael, CA 94901  
Telephone No.: (415) 457-3661  
or (510) 620-6085

email: dale@pixar.com

BOARD OF LAND AND NATURAL RESOURCES  
OF THE  
STATE OF HAWAII

In the Matter of the	)	
Application	)	FINAL ENVIRONMENTAL ASSESSMENT
	)	
Of	)	(WITH REQUESTED CHANGES AND
	)	
DALE McBEATH, for a	)	REPLIES TO REQUESTS FOR COMMENTS
Conservation District Use	)	
Permit to Construct a	)	FROM THE DRAFT EA)
Single-Family Residence on	)	
real property situated at	)	
Haena, Kauai, Hawaii, and	)	
further identified by Kauai	)	
Tax Map Key No.s (4)5-9-2:66,	)	
main lot, and (4)5-9-2:68,	)	
the access road.	)	
	)	

ENVIRONMENTAL ASSESSMENT

As landowner of record and applicant, I, Dale McBeath respectfully submit the following Environmental Assessment pursuant to the requirements contained in Chapters 343 and 344 of the Hawaii Revised Statutes and in Title 11, Chapter 200, and Title 13, Chapter 5, of the Hawaii Administrative Rules.

This is the Final Environmental Assessment (amended Draft EA) which includes my replies to comments received, and revised grading and archeological notes based on those comments.

See Comments in the Exhibits section for copies of letters and replies.

Items changed/clarified in this EA (noted with "change bar" on right of page:

- added contact info for agencies queried.
- drainage and erosions control information added
- State Historic Preservation Division requirements
- Sustainable Building thoughts

**I. APPLICANT.**

Dale McBeath.

**II. APPLICANT'S ADDRESS AND TELEPHONE.**

13 Quarry Road  
San Rafael, CA 94901

(415) 457-3661 or  
(510) 620-6085

**III. APPROVING AGENCY.**

State of Hawaii  
Department of Land and Natural Resources  
Board of Land and Natural Resources  
P. O. Box 621  
Honolulu, Hawaii 96813

**IV. CONSULTED AGENCIES.**

The governmental agencies consulted with regard to the Applicants' proposal included the Planning Department of the County of Kauai and the Department of Land and Natural Resources of the State of Hawaii.

State:		
Office of Environ Quality Ctrl.	Nancy Heinrich	586-4185
DLNR	Lauren Tanaka	587-0385
DLNR - State Hist. Preserv. Div	Nancy McMahon	742-7033
DLNR - National Flood Insurance	Sterling Yong	587-0248
Office of Planning	Richard Stook	587-2804
Dept. Health, Clean Water Div	Alec Wong	586-4309
Kauai County:		
Dept. Planning	Sam Lee	274-3491
Dept. Public Works	Wallace Kudo	241-6616
Dept. Health, Wastewater Div	Joe Tateyama	241-3323
Dept. Planning, Engineering Div	Keith Nitta	241-6677
Princeville Public Library	Lani Kawahara	826-1545

**V. OWNERSHIP OF THE SUBJECT PROPERTY.**

The ownership of the property described hereinafter as the "Parcel" (Kauai Tax Map Key No. (4)5-9-2:66 and :68. is as shown on the Title Report attached hereto as Exhibit "T-1" and made a part hereof by reference.

**VI. DESCRIPTION OF SUBJECT PROPERTY.**

The Parcel is located at Haena, County of Kauai, State of Hawaii, is

designated by Kauai Tax Map Key No. (4)5-9-2:66, and contains approximately 28,875 square feet. Also included for this final is reference to the only access way to the property, designated by Kauai Tax Map Key No. (4)5-9-2:68 and is described hereinafter as "Road H", a privately owned parcel also described in Exhibit "T-1".

The general location of the Parcel is shown on the Map attached hereto and incorporated herein as Exhibit "M-1". These areas are shown in more detail on the Tax Map attached as Exhibit "M-2" and the Survey Map which is also attached as part of Exhibit "M-6".

#### VII. LAND USE CLASSIFICATIONS.

A. The Parcel has the following land use classifications:

1. State Land Use Commission. The Parcel is located within the State Land Use Commission ("SLUC") Conservation District, Limited Subzone, as shown on Exhibit "M-4" and as a Letter from the DLNR as Exhibit "T-2".
2. County General Plan. As shown on Exhibit "M-5", attached hereto and incorporated herein, the Parcel is located within the Open Zone Classification of the General Plan for the County of Kauai ("Kauai General Plan").
3. Special Management Area. The Subject Property is located within the Special Management Area ("SMA"), as shown on the SMA Map attached as Exhibit "M-3".
4. Flood Zones. The Parcel is located both in the VE and AE zones according to FEMA panel number 15002 0030 C and will comply with NFIP and County Flood Ordinances.

#### VIII. REQUESTED LAND USE PERMIT.

The Applicant has filed a Conservation District Use Application (hereinafter referred to as "CDUA") with the Department of Land and Natural Resources (hereinafter referred to as "DLNR") and the Board of Land and Natural Resources (hereinafter referred to as "Land Board") for the issuance of a Conservation District Use Permit (hereinafter referred to as "CDUP") for the following purposes:

- A. The Applicant proposes to construct a single-family residential dwelling unit (hereinafter referred to as the "dwelling") on the Parcel pursuant to Sections 13-5-23(c)(D-1), 13-5-34, and 13-5-41 of the Hawaii Administrative Rules ("HAR") and Section 183C-5 of the Hawaii Revised Statutes ("HRS").
- B. Access to the Parcel is via a commonly held parcel TMK (4)5-9-2:68 hereinafter referred to as "Road H". Road H is undeveloped, and will have to be partially cleared. Road H runs from Kuhio Highway south 200' to the north-east corner of the Parcel. The road can be no wider than twenty (20) feet due

to the size of the lot.

**IX. PROPOSED DEVELOPMENT.**

The Applicant proposes to construct a single-family residential dwelling on the Parcel as shown on the Site Plan attached as Exhibit "M-7". A conceptual Floor Plan of the proposed dwelling is attached as Exhibit "D-4" and front and side elevations are attached as Exhibit "D-3", "D-2" and as a sketch as Exhibit "D-1".

The appearance of the residence will reflect a traditional plantation/ranch style architecture that is consistent with both older dwellings in the region, together with those newer structures which seek to emulate the more traditional style architecture.

The proposed dwelling will not exceed three thousand five hundred (3,500) square feet in size. It will be constructed primarily of wood, with a non-reflective roof, and will have a foundation made of concrete or wood columns. The dwelling will not exceed thirty (30) feet or the maximum allowed height, and will be painted earth-tone colors. If a metal roof is used, it will also be painted an earth-tone color. The proposed dwelling will have two (2) bedrooms, two (2) bathrooms, a living room/dining/kitchen area, a laundry/pantry room, and a porch. The proposed dwelling will utilize a septic system for disposal of waste water. A site plan showing the location of the dwelling and septic system is attached as Exhibit "M-7".

**X. SUBJECT PROPERTY ANALYSIS.**

- A. Location. The Parcel is located at Haena, Kauai, Hawaii. The Parcel is unimproved and vacant.
- B. Agricultural Use. Because of its size, location and topography, the Parcel is not suitable for agricultural use. The Applicant's proposed use of the Parcel will have no negative impacts on its availability for future agricultural use.
- C. Technical Characteristics. The subject property is presently overgrown with False Kamani, Madagascar Olive, and Kukui trees, Coconut Palms, and non-endangered species of volunteer vines, grasses and weeds. The Applicant proposes to only remove vines, grasses, and only as many trees as needed to place the house and use the roadway, and to leave much of the remaining area in its natural state with the existing flora and fauna.

It should be noted that the Applicant selected the property in large part because of its existing trees and generous vegetation. In addition, Applicant intends to plant additional endemic trees and landscaping to compliment those plants currently existing on the Parcel in order to mitigate and

minimize the visual impact of the home from public view.

The Parcel is located approximately fifteen (15) feet above mean sea level (msl) at it's highest point, and consists of both gently sloping and visually level topography. The soil is a fine, sandy loam throughout the parcel.

There is a drainage stream-bed running along the western boundary of the property. It is normally dry, but water does pool during heavy rains. The movement of water will not be disturbed by the proposed residence, which will be sited to the east of and above the drainage area.

It should also be noted that measures will be taken during construction to ensure no construction materials or run-off will enter the drainage area or allowed into the ocean.

The existing drainage pattern of the subject property appears to be into the existing dry stream-bed traversing the western side of the property.

The State Department of Health, Cleanwater Division was contacted, and Alec Wong of that office stated that they deferred to the county as to drainage and erosion control during and after construction. Wallace Kudo of the Kauai Planning / Public Works Division stated that they had guidelines for parcels of one acre or larger, and that this Parcel, being only 28,800 square feet, less than one acre, would be exempt. However, I asked for a copy of the grading, dust, and erosion controls and will incorporate them in my discussions with the contractors.

The shoreline is located approximately six hundred (600) feet from the subject parcel, and the parcel is further separated from the shoreline by those certain other parcels identified as TMK Nos. (4)5-9-2:61, (4)5-9-2:62, (4)5-9-2:67, and across the Kuhio Highway by (4)5-9-2:50, and (4)5-9-2:52.

As the proposed use is simply a single-family residence, any increase or effect on traffic, sanitation and waste disposal, refuse or use of water will be insignificant. The lot is sufficient in size so as to locate the septic system an adequate distance from the stream-bed to eliminate the hazard of waste pollution from the proposed use. Joe Tateyama of the Kauai Department of Health, Wastewater Management Division was contacted and stated that once the engineering drawings were produced, the project engineer would work with the county to make sure that the septic and leach system were built in compliance with county rules and regulations.

Several walk-throughs of the subject property did not disclose any apparent historical or archeological significant sites, but it is understood that the SHPD requires that an archeological inventory be conducted prior to clearing or construction.

Should the survey or actual construction disclose the presence of such sites, the State Historic Preservation Division of the DLNR and the Kauai Island Burial Council will be notified and work immediately halted until an appropriate resolution is reached in accordance with all applicable laws, rules and regulations.

- D. Economic Characteristics. As the proposed use is for a single-family residence, there would not be any significant beneficial or adverse economic effects resulting from the proposed action, except increased real property taxes and the short-term employment benefits during the course of construction.
- D1. Social Characteristics. There are no existing paths or public right-of-ways across or adjoining the property. The public have been parking along the edge of the Kuhio Highway where the only access to this property (Road "H") will connect, for use in accessing the beach. The impact will mean the loss of a small part of that edge of the road parking. See "F" below.
- E. Drainage. The limited amount of additional drainage from the proposed development of the Parcel will not appreciably affect, nor overburden, the drainage system. This is particularly true in view of the fact that the structure must be elevated in accordance with the flood height requirements of the County of Kauai.
- F. Traffic Impact. The increase in traffic generated by the construction of a single-family residence on the Parcel should be minimal, and will have no impact on existing traffic conditions along Kuhio Highway or elsewhere in the immediate area.

Although there is public parking along the Tunnels Beach access road, the public have been parking next to the fence where Road "H" will connect with Kuhio Highway. The impact will be a few less off road parking spaces. It should be noted that there are no "official" parking spaces on this side of the highway, but that over the years the vegetation has been pushed back to the fence by parking in this area.

Keith Nitta with the Kauai County Planning Office / Engineering Division stated that landowner was entitled to expect that the public would not block a drive way or access roadway, and that on the survey map, buffers were included on each side of the exit to make sure there would be a clear view for cars exiting to the highway, and that these were also meant to be non-parking areas. He also stated that the public is usually discouraged from parking on the side of the highway.

There is public parking for the beach directly opposite, on the side of the access roadway to the beach. Also, as the included picture was only of the actual junction of road "H" with the highway, it didn't show that the same type of off-road parking was being used all along both sides of the highway, any

where there wasn't an existing house or drive.

G. Availability of Public Services and Facilities. The construction of a single-family residence on the Parcel will not unreasonably burden public agencies to provide additional necessary urban amenities, services and/or facilities.

1. Schools. Hanalei Elementary School is located approximately five (5) miles from the Subject Property. Kapaa Intermediate and Kapaa High School are located approximately thirty (30) miles from the Parcel. The construction of a single-family residential dwelling on the Subject Property will not increase the number of students attending these schools to any measurable or appreciable extent, and will not adversely impact the capacity of the schools.

2. Wastewater Disposal. There are no County sewage facilities in this area. The proposed dwelling on the Parcel will utilize a septic system as approved by the Department of Health, State of Hawaii ("DOH") for disposal of waste water. The septic system will be designed to satisfy all applicable requirements of DOH. There are currently other dwellings located on adjacent parcels in the vicinity of the Parcel. The balance of the area consists of unimproved lands. Given the projected limited wastewater disposal from the proposed domestic use, and the large amount of open, unused lands surrounding the proposed septic system, it is unlikely that the proposed wastewater disposal will have any harmful effects on the area. Applicant understands that the Department of Health ("DOH") will require a private wastewater system for the residence and Applicant will be required to install a septic system with a leach field. Thus, the septic system will be constructed in accordance with DOH rules and regulations.

Joe Tateyama of the County Dept. of Health, Wastewater Division, stated that all new single family residence construction in the area had to have a septic system installed, and that they would provide the design engineer with the details when the engineering plans were produced during the normal county permits phase.

H. Solid Waste Disposal. Refuse collection will be provided by the County of Kauai to the Parcel, or will be hauled to the waste recycling plant by landowner. There is currently such a facility just south of Princeville.

I. Water. Water storage and transmission facilities are presently adequate to serve the proposed dwelling. The county was contacted 5/19/00 to make sure this was so.

J. Electricity and Telephone. Electric, phone and cable

television facilities are presently located on Kuhio Highway. These facilities will have to be extended within the Access Road to service the Parcel. These existing facilities, as well as the capacity of both the Citizens Utilities Co. (Kauai Electric Division) and the GTE Hawaiian Telephone Company, are sufficient to service the proposed dwelling to be constructed on the Parcel. The individual providers were contacted, told of the plans, and all indicated service and supply would be available.

- K. Police and Fire Protection. This area is currently served by the Princeville Police and Fire Station located approximately eight (8) miles from the Parcel. The construction of a single-family residence on the Parcel will not in and of itself create an unreasonable demand for an expansion of either the police or fire services.

**XI. IMPACTS UPON RESOURCES OF THE AREA.**

- A. Flora and Fauna. The Applicant is not aware of any endangered species of plants on the Parcel, nor of any rare or endangered animals living in the area. The primary types of vegetation present on and around the Parcel are False Kamani, Madagascar Olive, and Kukui trees, Coconut Palms, and non-endangered species of volunteer vines, grasses and weeds. The removal of more than the six (6) trees may be necessary to construct the dwelling and access roadway and should have no substantial negative impact on the surrounding flora or fauna, as the parcel is heavily vegetated and landscaped with mature trees and other vegetation. Applicant has attached a Landscape Plan and a Tree Removal Plan as Exhibit "M-9".

Applicant contacted Mr. Jim D. Campbell of Garden Island Tree Care concerning this matter. Based on his knowledge of this location, Mr. Campbell does not believe that there are any threatened or endangered species of plants and wildlife located on or around the Subject Property. A letter from Mr. Jim D. Campbell dated April 30, 2000 is attached as Exhibit "T-5".

- B. Historical and Archaeological. The Applicant is not aware of any historical, cultural or archaeological sites on the surface of the Parcel. Several walk-throughs of the subject property did not disclose any apparent historical or archaeologically significant sites, but it is understood that the SHPD requires that an archeological inventory be conducted prior to clearing or construction. Should the survey or actual construction disclose the presence of such sites, the State Historic Preservation Division of the DLNR and the Kauai Island Burial Council will be notified and work immediately halted until an appropriate resolution is reached in accordance with all applicable laws, rules and regulations.

- C. Recreational Resources. The Parcel is not used for, nor does it

provide for, any present recreational opportunities. Thus, Applicant's proposed construction of a single-family residence will not effect any present recreational uses.

- D. Scenic Resources. The construction of the proposed single-family residence on the Parcel will be compatible with the adjacent uses and compatible with the scenic characteristics of the surrounding area. Because of its location and the existing vegetation, the proposed dwelling on the Parcel will not be readily visible from any public streets or public areas in Haena, although the dwelling may be partially visible from abutting parcels. The access to the Parcel is approximately two hundred (200) feet from the closest public street, which is Kuhio Highway. There is another lot, TMK (4)5-9-2:67 between the Parcel and the Highway. The only trees that will be removed will be those few trees necessary to construct the residence and gain access through Road "H". Because of the trees and vegetation which will remain, and because the residence will be painted in subdued earth-tone colors, and due to the distance to the structure, it will be difficult, if not impossible, to see it from any vantage point on Kuhio Highway. Applicant has attached as Exhibit "M-10" photographs of the Parcel taken from various vantage points in Haena, photographs from, on or near the Parcel, and a photograph location map.
- E. Community Concerns. The Applicant will send a copy of the CDUA and Environmental Assessment to the Hanalei Community Association (hereinafter referred to as "HCA") to solicit their comments and recommendations.
- F. Future Development/Cumulative Impacts. The Tax Map attached to the Application as Exhibit "M-2", shows the parcels in the area immediately surrounding the Subject Property. Houses have been constructed on TMK Nos. (4)5-9-02:63 and 70. The land directly behind (south of) the lot is designated forest reserve, and is currently used as grazing land. Because of the few number of parcels, even if this area is developed for residential and/or agricultural purposes, it does not appear that the cumulative impact will overburden the area.

### **XII. COMPATIBILITY WITH APPLICABLE LAWS.**

The Applicant's proposed development of a single-family residence on the Parcel and removal of trees as minimally necessary to construct the residence and roadway will be compatible with HRS Chapter 183C and HAR Chapter 13-5, HRS Chapter 205, the Hawaii State Plan (Hawaii Revised Statutes Chapter 225), the Hawaii State Functional Plans, and all other applicable laws, ordinances, or regulations. Thus, the proposed development will have no substantial negative environmental impacts on the Parcel or the surrounding area.

### **XIII. COMPLIANCE WITH CDUA CRITERIA.**

The proposed construction of the single-family residence on the Parcel will comply with the following criteria, as set forth the Hawaii Administrative Rules, Title 13, Department of Land and Natural Resources, Subtitle 1 Administration, Chapter 5, Conservation District (13-5-30):

1. Whether the proposed land use is consistent with the purpose of the conservation district.

The proposed Project will result in a minimal disturbance to the existing physical environment and social area, and as such is consistent with the intent to conserve, protect and preserve the natural resources of the conservation district.

2. Whether the proposed land use is consistent with the objectives of the subzone of the land on which the use will occur.

The proposed Project consists of land uses for residential purposes which are permitted in the Limited Subzone. The proposed construction of a single-family residence will not adversely impact existing watersheds, marine, plant, and wildlife sanctuaries, significant historic, archaeological, geological, and volcanological features and sites, or other designated unique areas within this subzone.

3. Whether the proposed land use complies with provisions and guidelines contained in Chapter 205A, HRS, entitled "Coastal Zone Management", where applicable.

The proposed construction of a single-family residence is located in the "Coastal Zone Management" area, however, the construction of the residence is an exempt activity pursuant to Section 1.4H(2)(a) of the SMA rules and regulations of the County of Kauai, and as a result, will not have any direct adverse impact on the land in question.

4. Whether the proposed land use will cause substantial adverse impact to existing natural resources within the surrounding area, community or region.

The proposed construction of a single-family residence will not adversely impact the existing and surrounding environment, as it will have an incidental and minimal impact on the surrounding environment.

5. Whether the proposed land use, including buildings, structures and facilities, is compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.

Because of its minimal impact on the physical and natural environment, the proposed construction of a single-family residence is compatible with the locality and surrounding areas.

6. Whether the existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.

The natural beauty and open space characteristics of the area will be preserved because of the minimal physical and visual impact of the proposed construction of a single-family residence. Due to the size of the dwelling and the surrounding landscaping, and the distance from the main roadway to the edge of the Parcel, there will be minimal visual impacts.

7. Whether the Subdivision of land will be utilized to increase the intensity of land uses in the conservation district.

The proposed construction of a single-family residence will not result in a subdivision of land that would intensify the land use in the conservation district.

8. Whether the proposed land use will be materially detrimental to the public health, safety and welfare.

The proposed construction of a single-family residence will not be detrimental to public health, safety, and welfare, due to its location and very limited impacts.

#### XIV. SIGNIFICANCE CRITERIA.

The proposed construction of the single-family residence on the Parcel will comply with the following criteria as set forth in Title 11, Chapter 200, Section 11-200-12 of the EIS Administrative Rules of the Office of Environmental Quality Control:

1. Whether the proposed action involves an irrevocable commitment to loss or destruction of any natural or cultural resource.

Due to the absence of any known natural or cultural resources on the location of the proposed single-family residence, coupled with the fact that the residence will not exceed three thousand five hundred (3,500) square feet in size, there will be no irrevocable commitment to loss or destruction of such resources.

2. Whether the proposed action curtails the range of beneficial uses of the environment.

The proposed construction of a single-family residence will have a minimal impact on the existing vegetation currently growing on the otherwise vacant parcel that is not now being used for other beneficial purposes and will not, therefore, curtail the range of existing or future beneficial uses of the environment on or adjacent to the parcel in question.

3. Whether the proposed action conflicts with the State's long-term

environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders.

The proposed construction of a single-family residence on a legal lot of record located in the conservation district but not having any adverse impact on the environment or otherwise creating any adverse effects on the public health, safety, and welfare due to the reasonable size and location of the structure does not conflict with the State's long-term policies or goals as articulated in Chapter 344, HRS, court decisions, or executive orders.

4. Whether the proposed action substantially affects the economic or social welfare of the community or state.

The proposed construction of a single-family residence on the parcel that is currently vacant and not being utilized for other purposes, coupled with the fact that the proposed use is consistent with those uses currently existing on abutting parcels in the immediate vicinity does not substantially effect the economic or social welfare of the community or state.

5. Whether the proposed action substantially affects public health.

The proposed construction and use of a single-family residence and the proposed construction of the necessary septic system built in accordance with all applicable laws, rules and regulations of the Department of Health of the State of Hawaii and County of Kauai relative to the disposal of waste water will not substantially affect public health.

6. Whether the proposed action involves substantial secondary impacts, such as population changes or affects on public facilities.

The proposed construction of a single-family residence and the use thereof by the Applicant and his family on a parcel which has available to it all necessary public utilities and services is both minimal and reasonable and, as such, will not involve substantial secondary impacts on such public facilities.

7. Whether the proposed action involves a substantial degradation of environmental quality.

The proposed construction of a single-family residence in conformity with all applicable laws, rules and regulations of the County of Kauai and State of Hawaii is a minimal and reasonable use of the land that will not involve a substantial degradation of environmental quality.

8. Whether the proposed action is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions.

The proposed construction of a single-family residence is by its

nature a minimal impact as explained in the Environmental Assessment and, as a result, is limited and cumulatively will not have considerable effect upon the environment for larger actions.

9. Whether the proposed action affects a rare, threatened, or endangered species, or its habitat.

There are no known rare, threatened, or endangered species, or its habitat on the parcel and, as a result, the proposed construction of a single-family residence will not have any affect thereon.

10. Whether the proposed action affects air or water quality or ambient noise levels.

The proposed construction, occupation and use of the single-family residence will be in accordance with all applicable laws of the County of Kauai and the State of Hawaii, and with the exception of noise that normally and customarily is associated with the construction of the single-family residence during those hours of the day authorized by law and for the limited period of time during construction, the proposed action will not unreasonably affect air, water quality or noise levels. In addition, measures will be taken to assure that no construction, grading, or landscaping materials will enter the drainage area or be released to the ocean. A copy of the grading guidelines for the county of Kauai was obtained, and while there are no limitations for smaller parcels of this size, these measures will be referenced, and acted on if appropriate, during construction.

11. Whether the proposed action affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion prone area, geologically hazardous land, estuary, fresh water, or coastal waters.

Although the proposed single-family residence will be constructed in the tsunami zone (VE and AE), the structure will be elevated twenty-five (25) feet above the mean sea level (msl) in accordance with the FIRM Maps and flood height requirements of the County of Kauai and, as a result, the proposed action is not likely to suffer damage by being located in an environmentally sensitive area such as the tsunami zone.

12. Whether the proposed action substantially affects scenic vistas and view-planes identified in County or State plans or studies.

The proposed construction of the single-family residence will not affect scenic vistas and view-planes identified in county or state plans or studies. In addition, the Applicant intends to retain many of the existing trees and vegetation as shown on the attached landscape plan and, as a result, the structure will be mostly or completely shielded and hidden from view from any vantage point along the nearest public roadway.

13. Whether the proposed action requires substantial energy consumption.

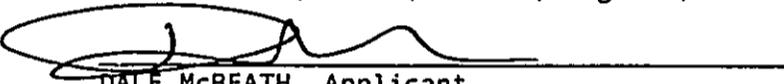
The proposed construction, occupation and use of a single-family residence will only require minimal energy consumption for residential purposes not unlike other single-family residences in the immediate vicinity and, as a result, the proposed action will not require substantial energy consumption. During construction and design, careful consideration will be given to the feasibility of using locally produced products, environmentally friendly design, and methods of reducing energy consumption. A list of Sustainable Building Guidelines has been obtained from the OEQC.

**XV. CONCLUSION.**

The Applicant respectfully requests that the DLNR and Land Board:

- find that Applicant's proposed construction of a single-family residence will not have any significant environmental impacts;
- find that the Applicant need not prepare an Environmental Impact Statement in this case; and
- issue a "Negative Declaration" in this matter, as that term is defined by Title 11, Department of Health, Chapter 200, Environmental Impact Statement (EIS) Rules, Subchapter 2(11-200-2).

DATED: Lihue, Kauai, Hawaii, Aug. 28, 2000.

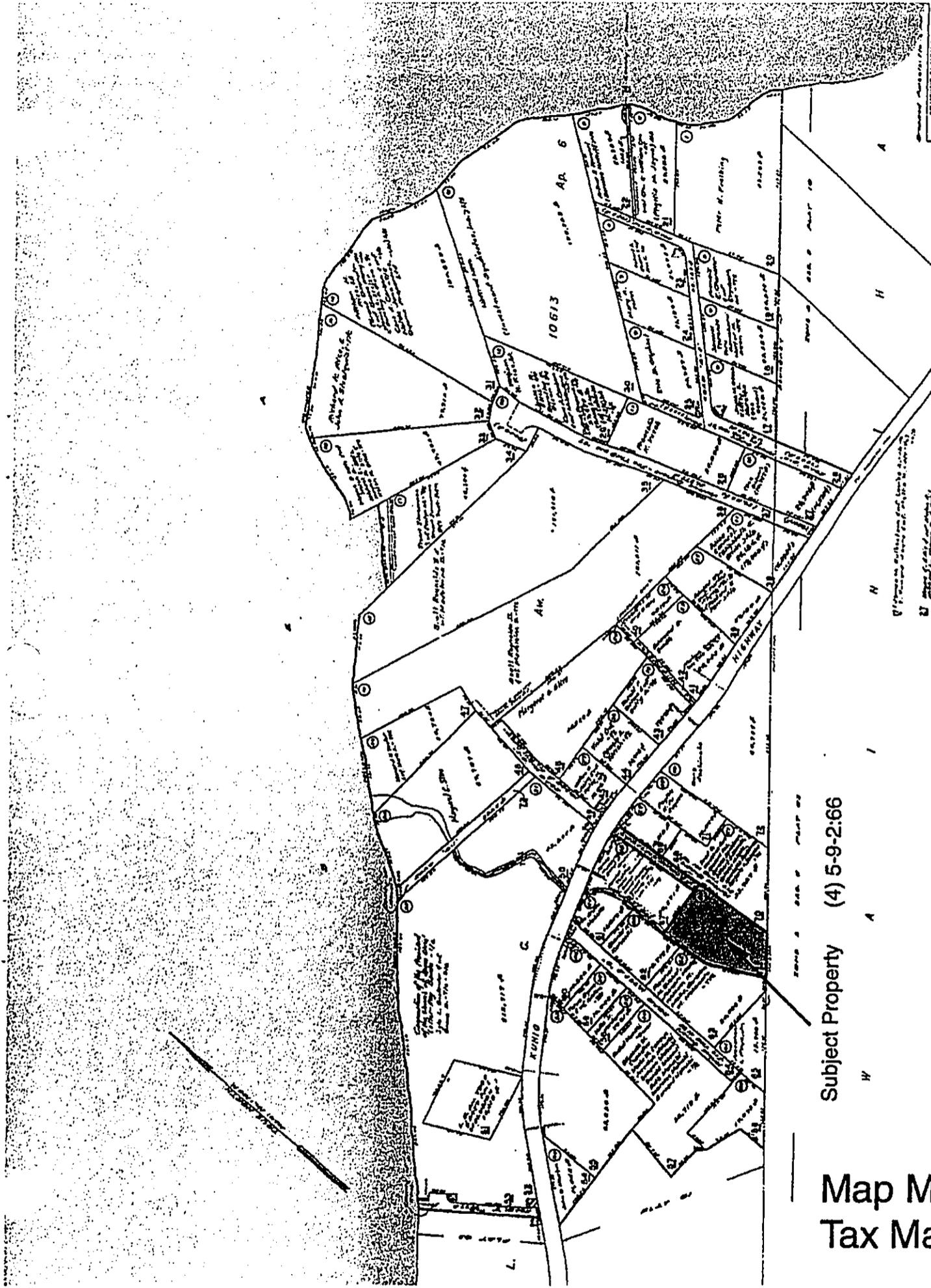
  
DALE McBEATH, Applicant

## EA and CDUA Exhibits:

# MAPS

Location/Area Map of the Parcel . . . . .	M-1
Tax Map of the Parcel . . . . .	M-2
SMA Map . . . . .	M-3
Conservation District Subzone Boundary Map . . . . .	M-4
Kauai General Plan Map . . . . .	M-5
Survey Map of the parcel. . . . .	M-6
Site Plan . . . . .	M-7
Grading . . . . .	M-8
Landscaping/Tree Removal. . . . .	M-9
Photograph Location Map/Photographs . . . . .	M-10





Subject Property (4) 5-9-2:66

Map M-2  
Tax Map

FOR MAEHA, MALEHA, KAUAI.

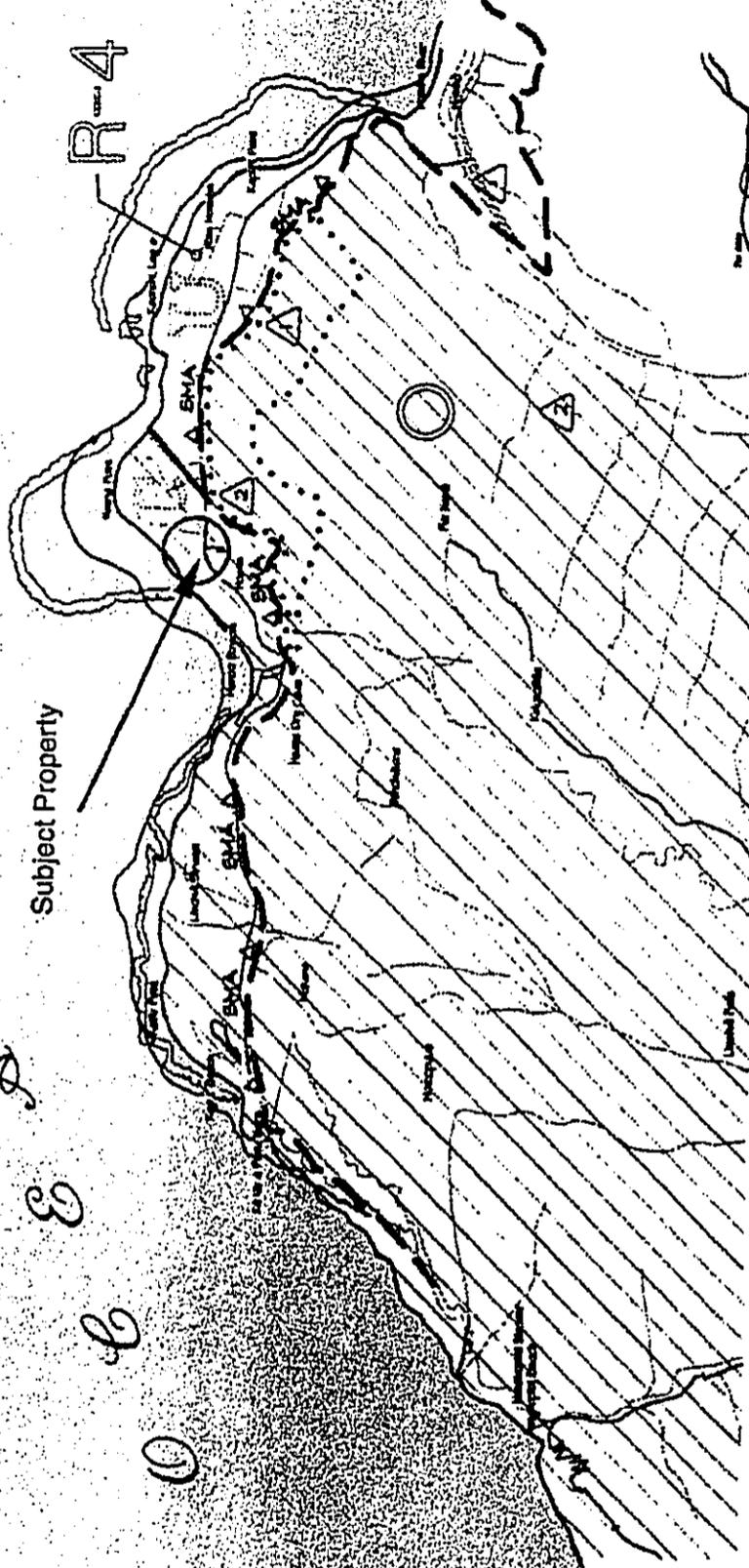
PROPERTY NO. 10613	
PROPERTY TAX MAP	
SECTION	5
RANGE	9
TOWNSHIP	02
FOR PROPERTY ASSESSMENT PURPOSES SUBJECT TO CHANGE	

TRUE NORTH

Scale: 1 in. = 3000 ft.

Subject Property

R-4



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

STATE ZONING:

URBAN DISTRICT	CONSERVATION DISTRICT	SPECIAL MANAGEMENT AREA
U	C	A
		---

1 TO COMPLY WITH AMENDMENTS TO CHAPTER 205A, H.R.S., IN ACCORDANCE WITH ACT 200, SESSION LAWS OF HAWAII, 1979.

2 TO CONFORM WITH FEDERAL FLOOD INSURANCE RATE MAP AMENDMENTS AS ADOPTED NOVEMBER 4, 1981

COUNTY ZONING:

OPEN	R-4
O	R-4

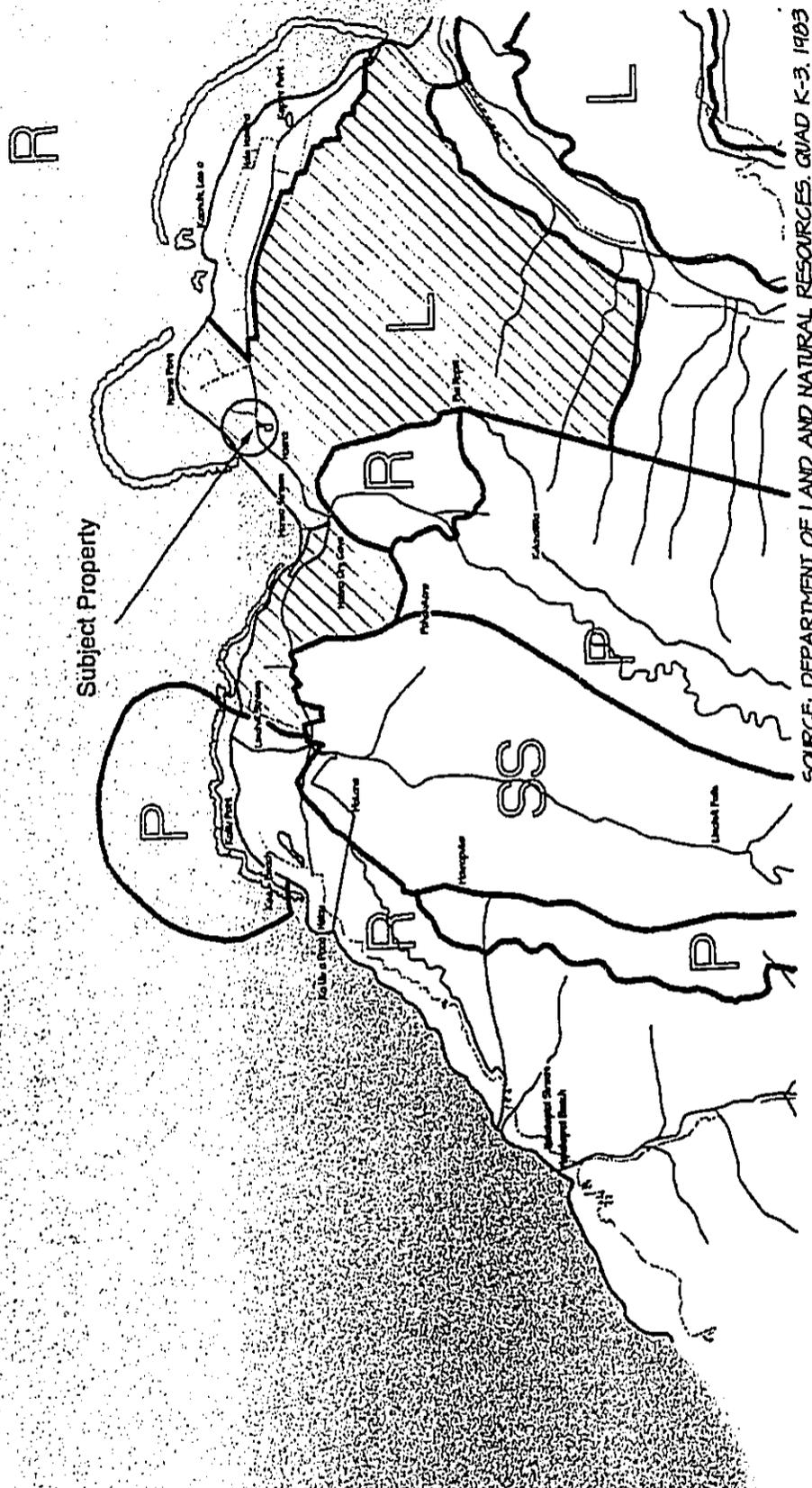
Map M-3  
SMA

# SPECIAL MANAGEMENT AREA MAP

AT HAENA, KAUAI, HAWAII



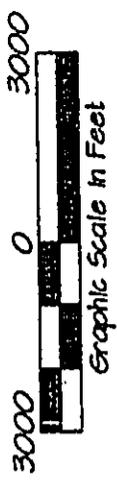
TRUE NORTH  
Scale: 1 in. = 3000 ft.



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

CONSERVATION DISTRICT SUBZONES:

RESOURCE R	PROTECTIVE P	LIMITED L	SPECIAL SUBZONE SS
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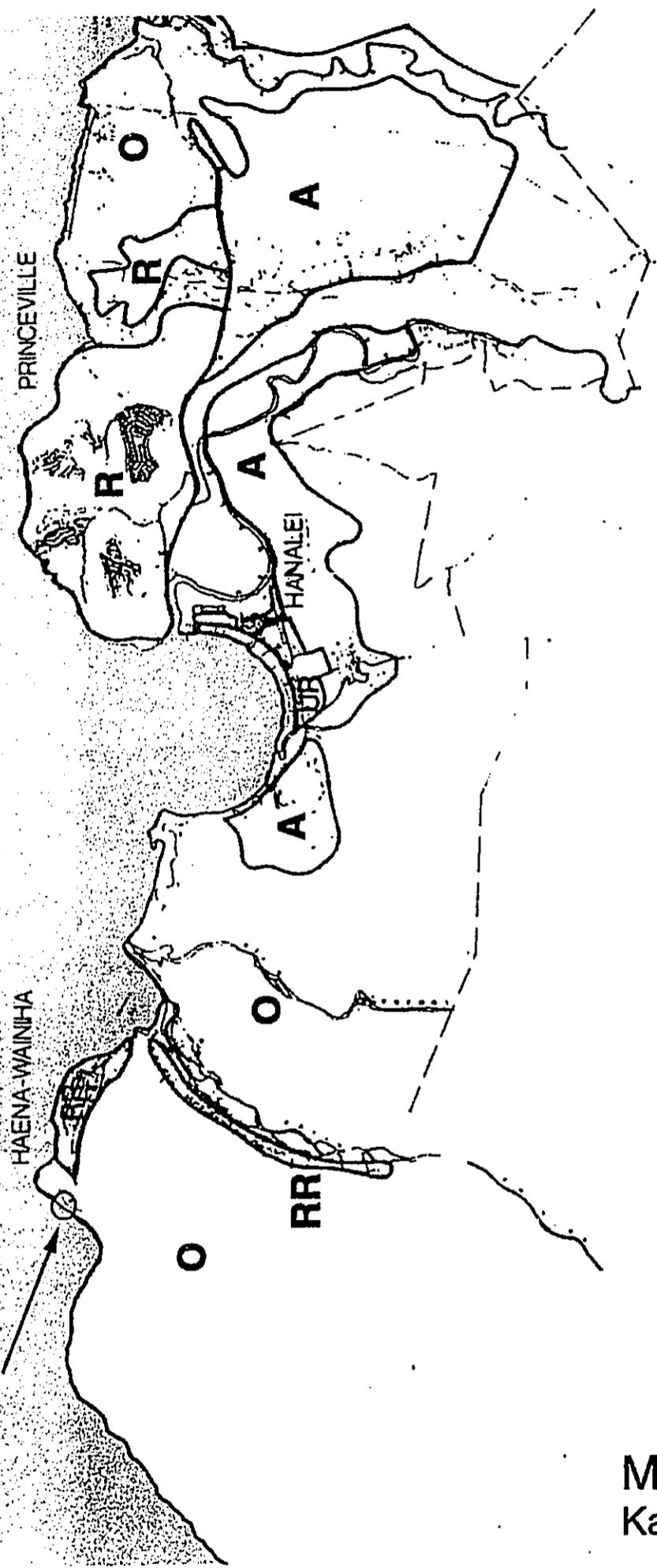


Map M-4  
Subzone

# STATE CONSERVATION LAND USE DISTRICT SUBZONE MAP

AT HAENA, KAUAI, HAWAII

Subject Property



Map M-5  
Kauai General Plan

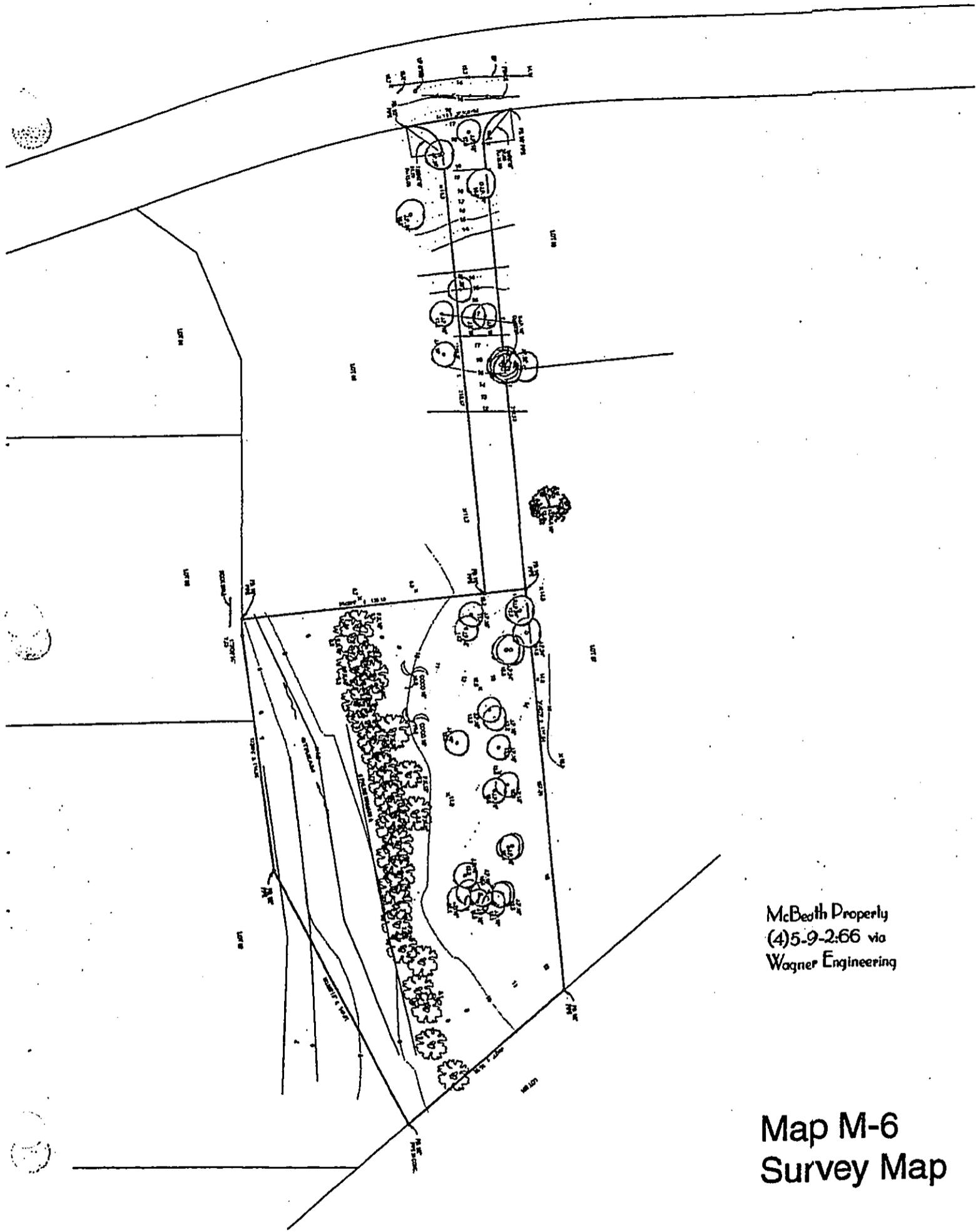
# KAUAI GENERAL PLAN NORTH SHORE

O OPEN  
 A AGRICULTURAL  
 RR RURAL RESIDENTIAL  
 UR URBAN RESIDENTIAL  
 UM URBAN MIXED USE  
 R RESORT  
 PF PUBLIC FACILITIES



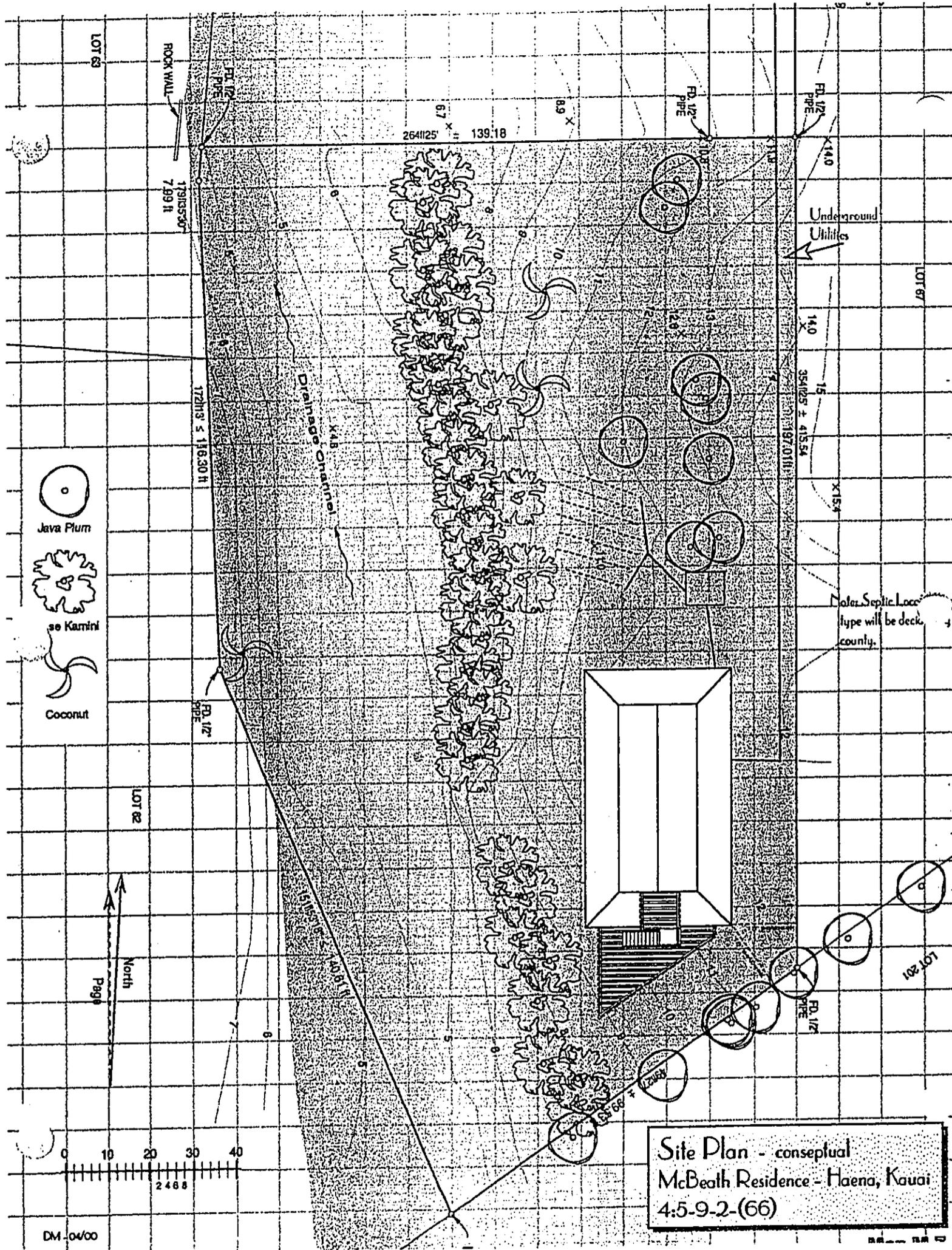
1 OF 2

JUNE 1982

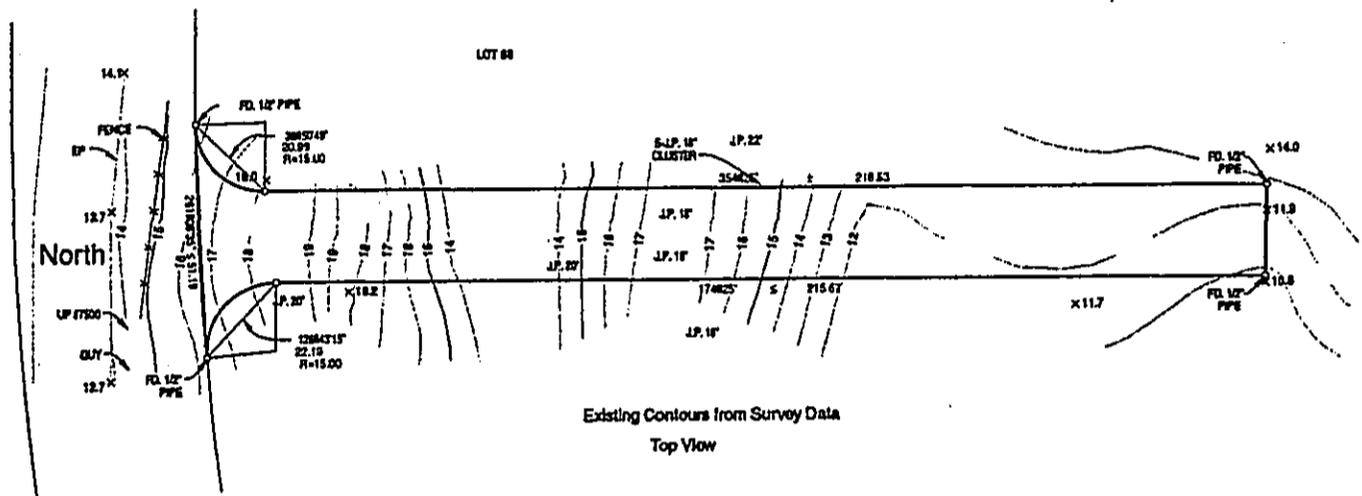
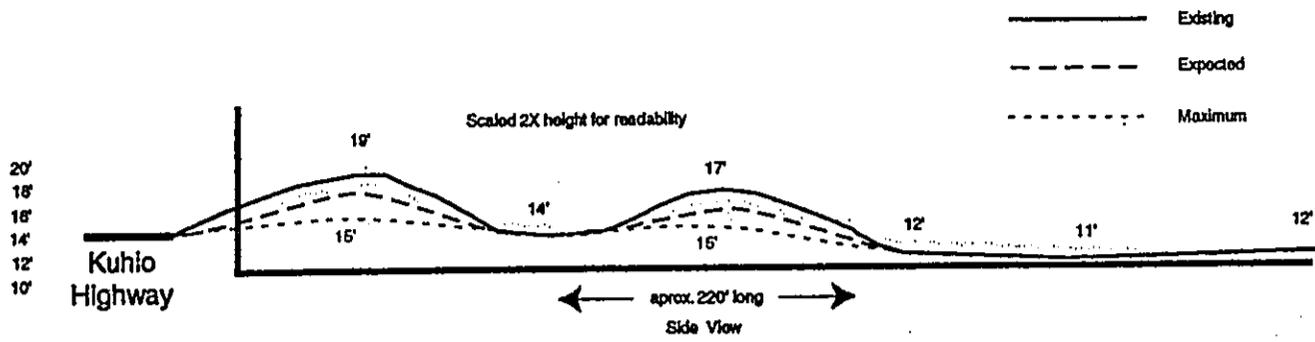


McBeath Property  
(4)5-9-2:66 via  
Wagner Engineering

Map M-6  
Survey Map



Site Plan - conceptual  
 McBeath Residence - Haena, Kauai  
 4:5-9-2-(66)



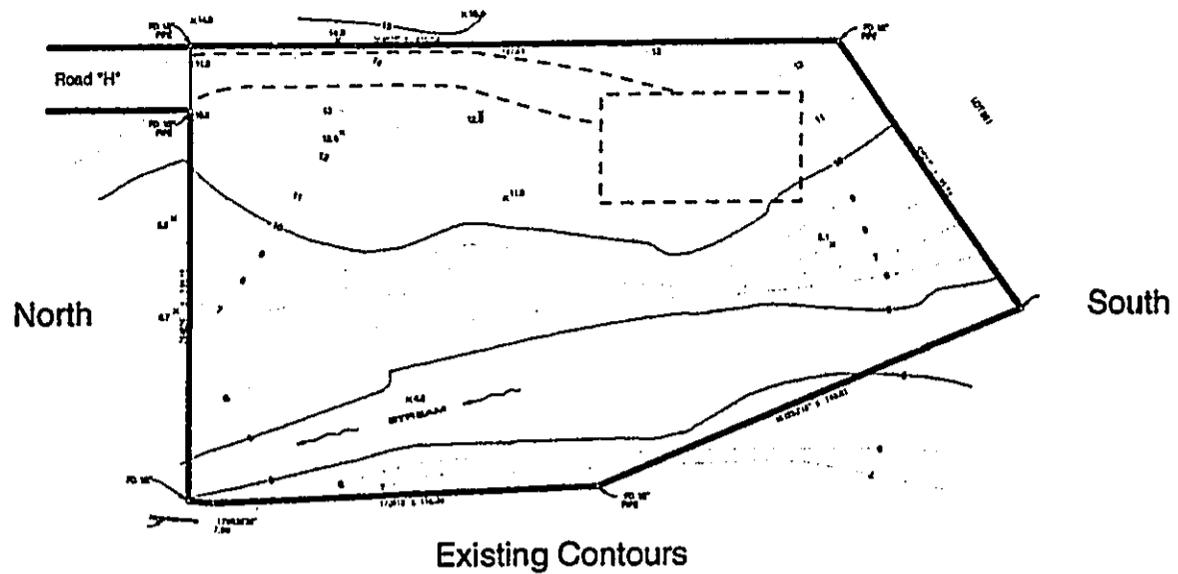
## Road "H" GRADING PLAN

Grading along road "H" will be minimal - Enough to allow construction vehicles access, and afterward, normal day to day use of the property.

The two rises currently contain trees which must be removed in order to use the roadway. The "expected" grading above would include the removal of these, and smoothing to fill in the root holes. The "maximum" line shows that even if larger amounts of earth must be moved for equipment to gain access, the drainage shape of the rises will be retained, so normal run-off should not be impacted.

Additionally, gravel or grass-grid may be laid to make roadway passable.

M-8a



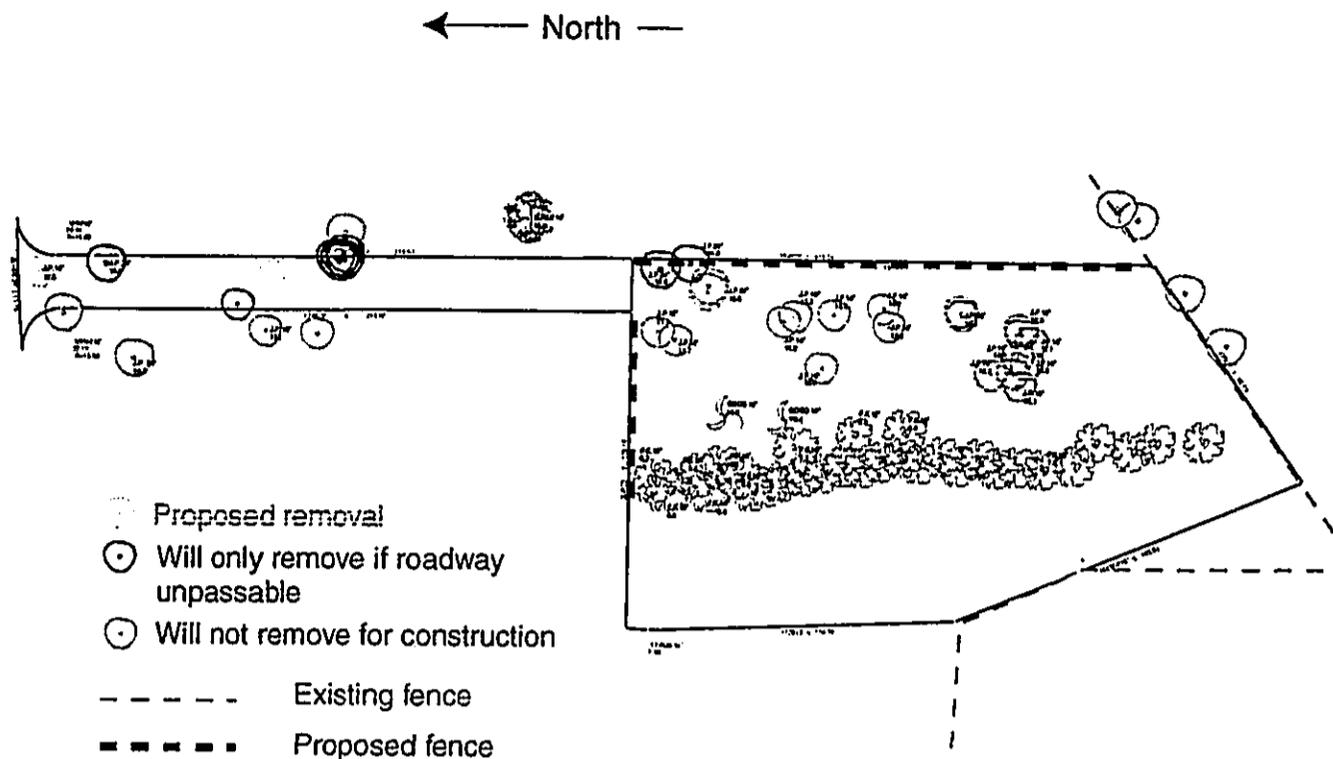
## Grading Plan for Main Lot

Grading for the main lot is proposed to allow for a flat footprint for the house and drive. The rest of the lot will change little in contour, maintaining the existing drainage, which is generally from the east side (top here) to the lower west side drainage ditch. Flattening the area under the house will allow for a more usable area and better control of shed rain water around the foundation. The other small change allows for level vehicle travel to and from the home. Actual position of the drive will be determined by county setback rules and large trees in the area.

Kauai County Department of Public Works has stated that Ordinance No 630, Section 15-1.5 of Flood Plane Management is interpreted to mean that fills within the coastal high hazard area (VE and AE) are prohibited, and that excess wasted excavated material from footings and grade beams shall be disposed of off site to preserve the existing ground elevation.

All grading, excavating, and clearing operations will be done in accordance with applicable county rules and guidelines. Measures will be taken to keep construction debris and run-off out of the drainage area.

M-8b

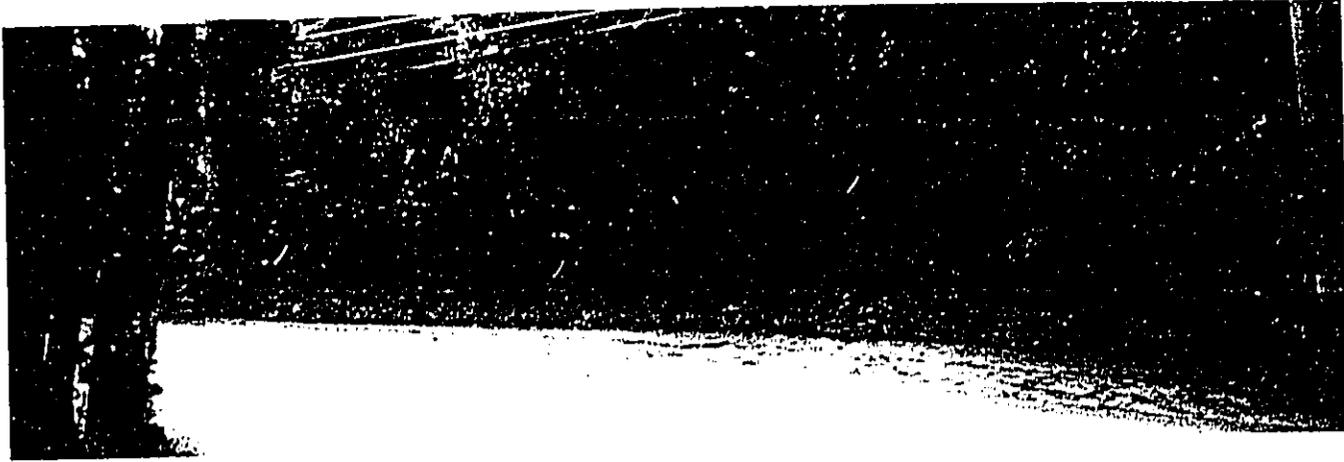


## Landscaping and Tree Removal Plan

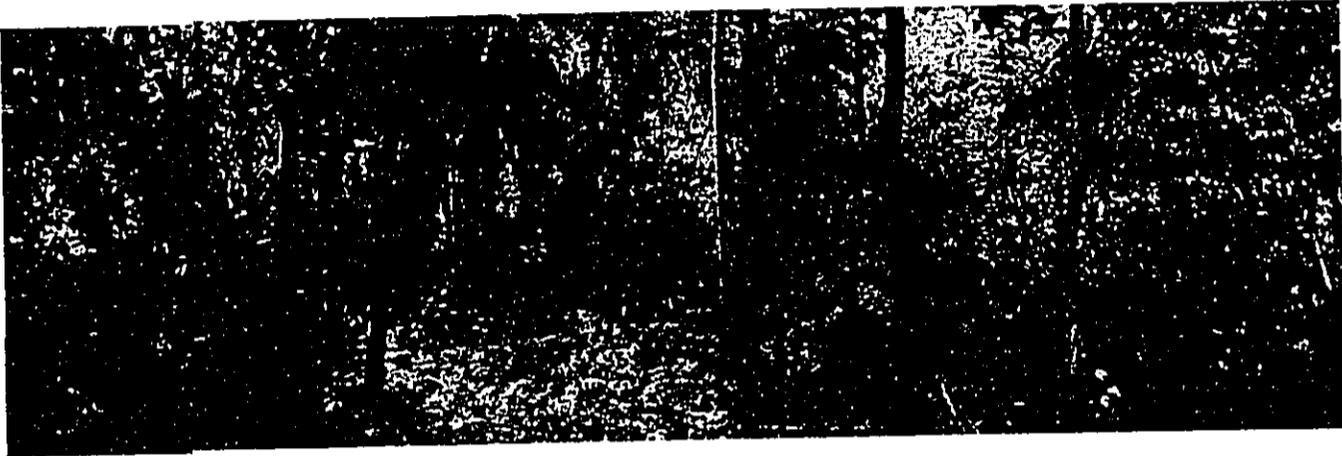
I propose to only remove as many trees as needed to build the house and use the roadway. The trees in red are the most likely to be removed. The ones in blue will be left if at all possible, as long as doing so still allows normal access to building equipment and afterwards, to the house for normal day to day uses. The drive will continue along that same side of the lot, ending at the house. This route, rather than one through the center, will damage fewer trees, and keep the access on high ground, hopefully lessening future erosions.

There is an existing, though barely standing, barbed wire fence along the back of the property, and cyclone fencing(wire) along the west side on an adjoining lot. Because my property lines cross a drainage area, I do not propose to fence in the entire area, though I'd like to reserve the right to run a fence along the tree line if problems occur. What is more likely would be the planting of the locally popular polynesia shrubs along the green dashed lines above to better shield the house from view and afford privacy should other houses be built on the other lots. Other landscaping might include endemic and locally accepted decorative and native plants and ground cover.

Significant Tree data provided by Wagoner Engineering Services.



#1 connection of Road "H" access with Kuhio Hwy.



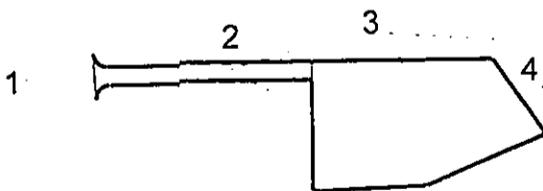
#2 on Road "H" to property line



#3 along west property line



#4 view from back of Lot toward Forest Reserve



M-10a



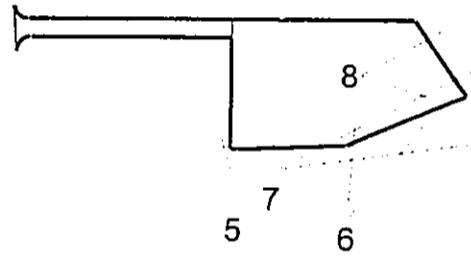
#5 across drainage area



#6 tree line



#7 south - drainage



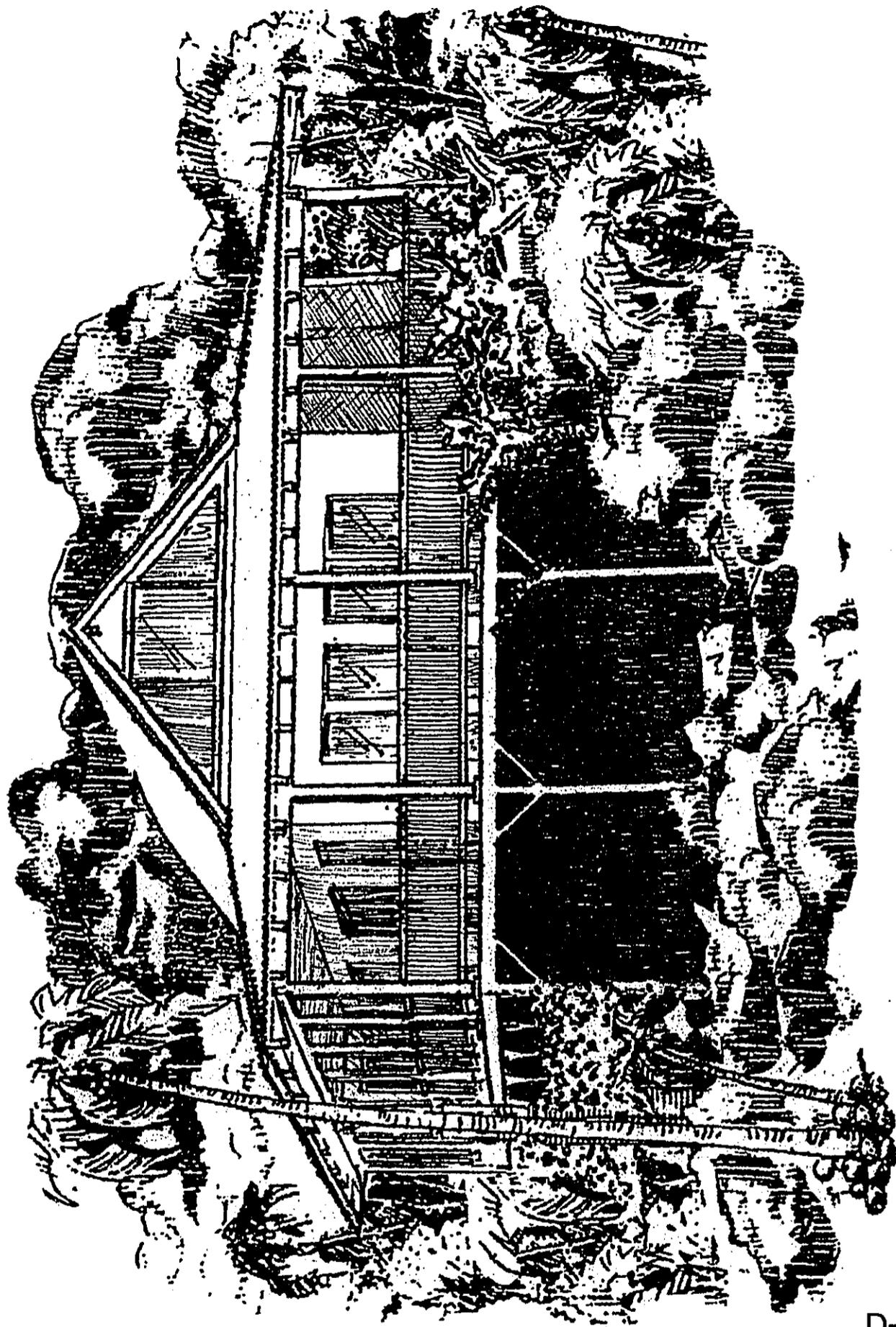
#8 inside lot

M-10b

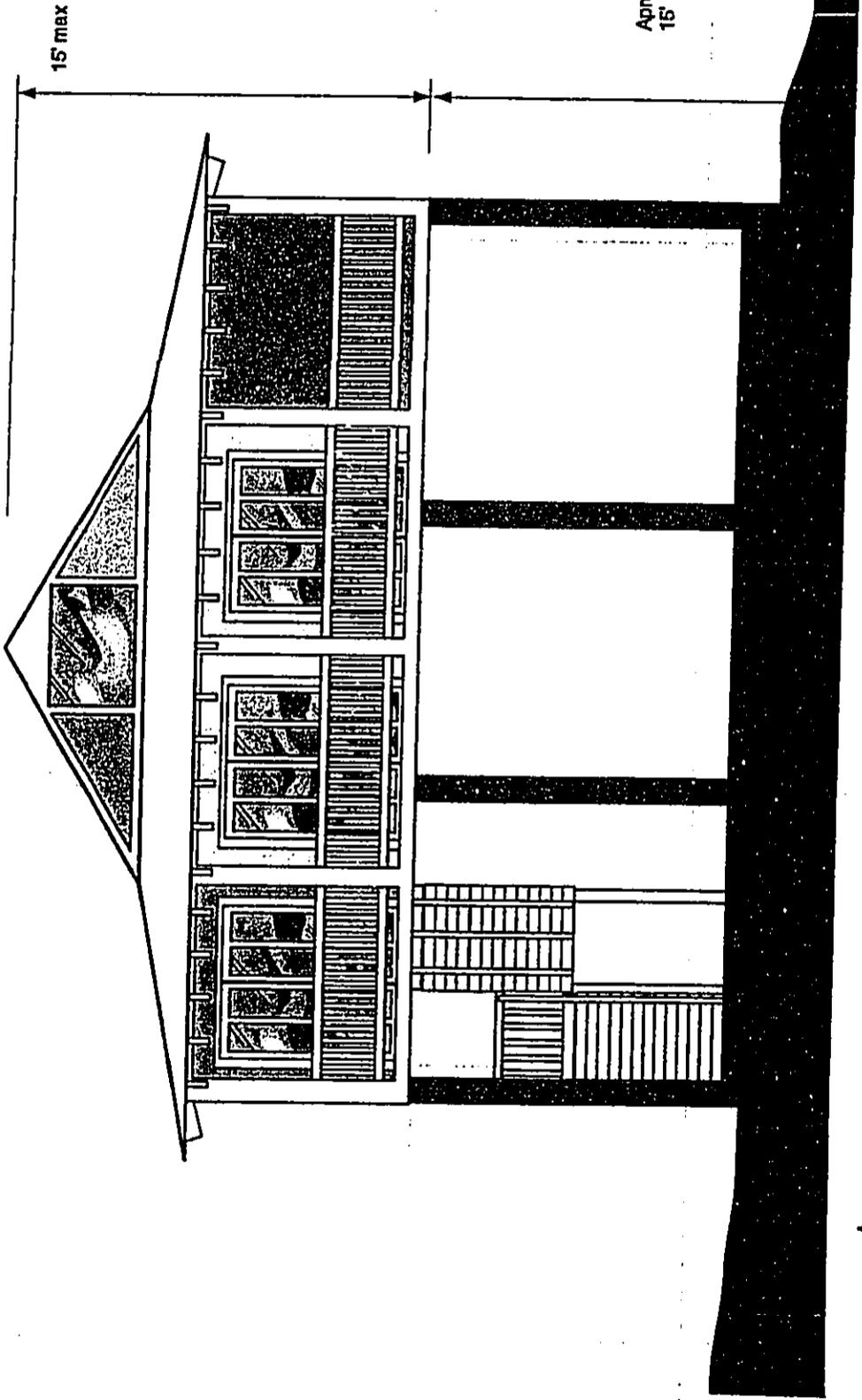
## EA and CDUA Exhibits:

# Drawings

Sketch of House . . . . .	D-1
Front Elevation . . . . .	D-2
Side Elevation. . . . .	D-3
Floor Plan. . . . .	D-4



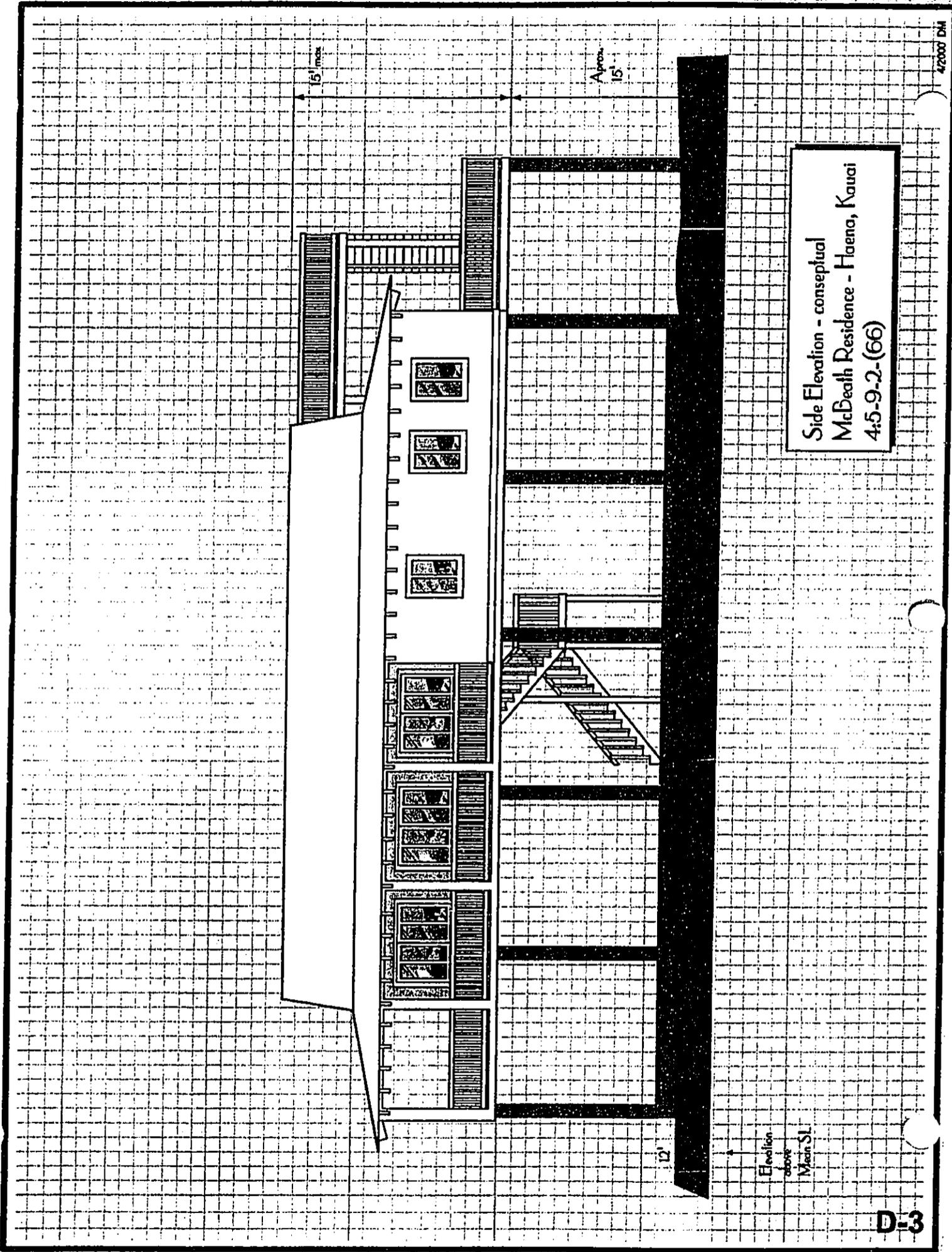
D-1



Front Elevation - Conceptual  
 McBeath Residence - Maunaloa, Kauai  
 4-5-9-2-(66)

↑  
 Elevation  
 above  
 Mean SL

D-2

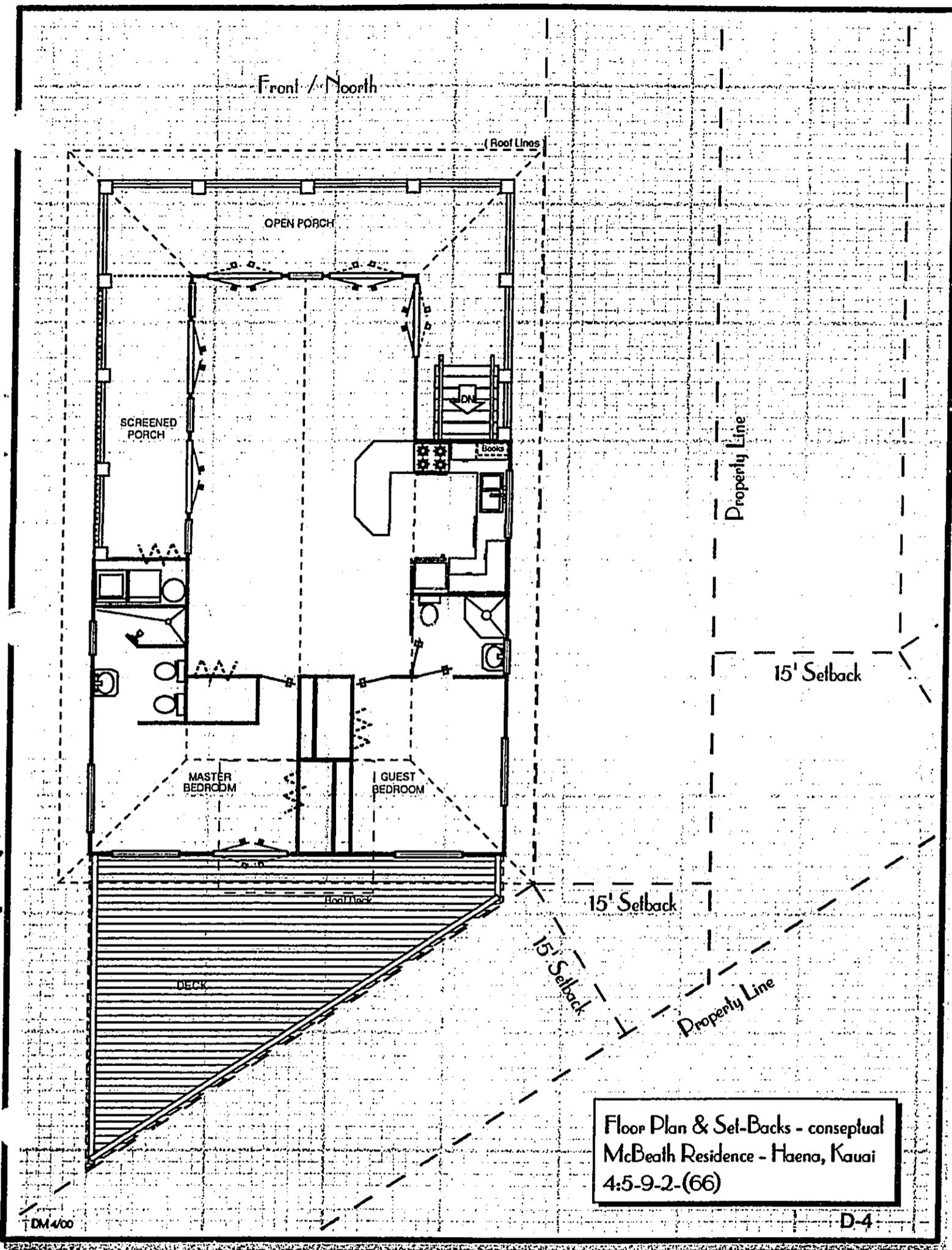


Side Elevation - conceptual  
McBeath Residence - Haena, Kauai  
4:5-9-2-(66)

1/8" = 1'-0"

Elevation  
above  
Mean SL

D-3



Front / North

(Roof Lines)

OPEN PORCH

SCREENED PORCH

DN

Books

Property Line

15' Setback

MASTER BEDROOM

GUEST BEDROOM

15' Setback

15' Setback

Property Line

Roof Deck

DECK

Floor Plan & Set-Backs - conceptual  
 McBeath Residence - Haena, Kauai  
 4:5-9-2-(66)

DM 400

D-4

**EA and CDUA Exhibits:**

**Support Doc.s and  
Letters**

Title . . . . .	T-1
DLNR boundary letter. . . . .	T-2
County SMA requirement letter . . . . .	T-3
Adjoining Property Owners Names and Addresses . . . . .	T-4
Arborist's Report . . . . .	T-5

R-180

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

OCT 25, 1999 08:01 AM

Doc No(s) 99-170409

/s/CARL T. WATANABE  
ACTING  
REGISTRAR OF CONVEYANCES  
CONVEYANCE TAX: \$140.00

LAND COURT SYSTEM  REGULAR SYSTEM   
AFTER RECORDATION, RETURN BY: MAIL  PICKUP   
Dale McBeath  
13 Quarry  
San Rafael CA 94901  
Total Pages: 25

FHTC 99106

TITLE OF DOCUMENT:

WARRANTY DEED

PARTIES TO DOCUMENT:

Grantor: HAZEL APO GROSS, ALMIRA KAWAILIULA APO,  
GILMAN N. APO, ANNIE W. LACRO, CLIFFORD K. APO,  
HARTWELL P. APO, LANI APO, ROY K. APO,  
ASHLEY L. APO, CODY K. APO, MITCHEL K. APO,  
DALPHIN A. K. APO TREMAINE, DAPHNE A. K. NEWMAN,  
formerly known as Daphne A. K. Apo Nawai,  
SANDRA DEE A. SILVA, formerly known as Sandra Dee Apo,  
and KATHERINE EASTMAN

Grantee: DALE McBEATH  
13 Quarry, San Rafael, CA 94901

PROPERTY DESCRIPTION:

TMK: 5-9-002-066 (4)

LIBER/PAGE:

DOCUMENT NO.  
TRANSFER CERTIFICATE OF  
TITLE NO(S):

STS/ve 0697-147

T-1

WARRANTY DEED

THIS DEED, made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by HAZEL APO GROSS, \_\_\_\_\_, whose residence and mailing address is 7218 Golfcrest Drive, San Diego, California 92119, ALMIRA KAWAILIULA APO, unmarried, whose residence is in Waimea, Kauai, Hawaii and whose post office address is P. O. Box 761, Waimea, Hawaii 96796, GILMAN N. APO, \_\_\_\_\_, whose residence is in Waimea, Kauai, Hawaii and whose post office address is P. O. Box 29, Waimea, Hawaii 96796, ANNIE W. LACRO, \_\_\_\_\_, whose residence is in Waimea, Kauai, Hawaii and whose post office address is P. O. Box 191, Waimea, Hawaii 96796, CLIFFORD K. APO, \_\_\_\_\_, whose residence is in Waimea, Kauai, Hawaii and whose post office address is P. O. Box 297, Waimea, Hawaii 96796, HARTWELL P. APO, husband of Cheryl-Ann K. Apo, whose residence and mailing address is 5625 Papa Street, Koloa, Hawaii 96756, LANI APO, \_\_\_\_\_, whose residence is in Waimea, Kauai, Hawaii and whose post office address is P. O. Box 34, Waimea, Hawaii 96796, ROY K. APO, \_\_\_\_\_, whose residence is in Waimea, Kauai, Hawaii and whose post office address is P. O. Box 71, Waimea, Hawaii 96796, ASHLEY L. APO, \_\_\_\_\_, whose residence is in Lawai, Kauai, Hawaii and whose post office address is P. O. Box 495, Lawai, Hawaii 96765, CODY K. APO, \_\_\_\_\_, whose residence is in Lawai, Kauai, Hawaii and whose post office address is P. O. Box 495, Lawai, Hawaii 96765, MITCHEL K. APO, \_\_\_\_\_, whose residence and mailing address is 220 Hoomalu Street, Pearl City, Hawaii 96792, DALPHIN A. K. APO TREMAINE, \_\_\_\_\_, whose residence and mailing address is 1289 Ala Kapuna Street, #301, Honolulu, Hawaii 96819, DAPHNE A. K. NEWMAN, formerly known as Daphne A. K. Apo Nawai, married, whose residence and mailing address is W4431 Cloquallum, Shelton, Washington 98584, SANDRA DEE A. SILVA, formerly known as Sandra Dee Apo, married, whose residence is in Hilo, Hawaii and whose post office address is P. O. Box 10092, Hilo, Hawaii 96721, and KATHERINE EASTMAN, \_\_\_\_\_, whose residence and mailing address is 2970 Jarktar Avenue, Oxnard, California 93035, hereinafter called the "Grantor," and DALE McBEATH, unmarried, whose residence and mailing address is 13 Quarry, San Rafael, California 94901, hereinafter called the "Grantee";

WITNESSETH:

That in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee as Tenant in

Severalty, his heirs and assigns, in fee simple, all of that certain parcel of land described in Exhibit "A", attached hereto and made a part hereof.

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all buildings, improvements, rights, easements, privileges and appurtenances thereon and thereto belonging or appertaining or held and enjoyed therewith, unto the Grantee according to the tenancy herein set forth, forever.

AND, in consideration of the premises, the Grantor does hereby covenant with the Grantee that the Grantor is seized of the property herein described in fee simple; that said property is free and clear of and from all liens and encumbrances, except for the lien of real property taxes not yet by law required to be paid, and except as may herein specifically be set forth; that the Grantor has good right to sell and convey said property, as aforesaid; and, that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

The rights and obligations of the Grantor and the Grantee shall be binding upon and inure to the benefit of their respective estates, heirs, personal representatives, successors, successors in trust and assigns. All obligations undertaken by two or more persons shall be deemed to be joint and several unless a contrary intention shall be clearly expressed elsewhere herein.

The conveyance herein set forth and the warranties of the Grantor concerning the same are expressly declared to be in favor of the Grantee, his heirs, personal representatives, and assigns.

This Warranty Deed may be signed and acknowledged in counterpart, each of which shall be considered an original, and the counterpart shall together constitute one and the same Warranty Deed, binding all of the parties to the Warranty Deed, notwithstanding that all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and deliver of this Warranty Deed, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

The terms "Grantor" and "Grantee," as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine, feminine, or neuter, the singular or plural number, individuals, partnerships, trustees, or corporation, and their and each of their respective successors, heirs, personal representatives and assigns,

according to the context thereof. If these presents shall be signed by two or more Grantors or by two or more Grantees, all covenants of such parties shall for all purposes be joint and several.

IN WITNESS WHEREOF, the Grantor has executed these presents on the day and year first above written.

\_\_\_\_\_  
HAZEL APO GROSS

\_\_\_\_\_  
ALMIRA KAWAILIULA APO

\_\_\_\_\_  
GILMAN N. APO

\_\_\_\_\_  
ANNIE W. LACRO

\_\_\_\_\_  
CLIFFORD K. APO

\_\_\_\_\_  
HARTWELL P. APO

\_\_\_\_\_  
LANI APO

---

ROY K. APO

---

ASHLEY L. APO

---

CODY K. APO

---

MITCHEL K. APO

---

DALPHIN A. K. APO TREMAINE

---

DAPHNE A. K. NEWMAN, formerly known  
as Daphne A. K. Apo Nawai

---

SANDRA DEE A. SILVA, formerly known  
as Sandra Dee Apo

---

KATHERINE EASTMAN

"Grantor"

EXHIBIT "A"

HAENA HUI

LOT 66

SAM APO AND HAZEL GROSS - AWARDEES

LAND SITUATED AT THE SOUTHERLY END OF ROAD "H" AND ALONG THE  
NORTHWEST BOUNDARY OF LOT 201 OF WAINIHA HUI LAND (EQUITY NO. 109)

AT HAENA, HALELEA, KAUAI, HAWAII

*Being a Portion of the Ahupuaa of Haena,*

Royal Patent 3596, Land Commission Award 10,613, Apana 6 to Abner Paki

Beginning at the Southeast corner of this parcel of land, on the Northwest boundary of Lot 201 of Wainiha Hui Land (Equity No. 109), being also the Southwest corner of Lot 67, the coordinates of said point of beginning referred to Government Survey Triangulation Station "NIHA 2" being 552.84 feet South and 4,677.15 feet West and running by azimuths measured clockwise from true South:

1. 49° 27' 99.53 feet along the Northwest boundary of Lot 201 of Wainiha Hui Land (Equity No. 109) to the middle of stream;

Thence following down the middle of stream, along remainder of the Ahupuaa of Haena (Lots 62 and 63) for the next three (3) courses, the direct azimuths and distances between points in middle of said stream being:

2. 151° 53' 30" 140.60 feet;
3. 172° 13' 116.30 feet;

EXHIBIT "A"

4. 179° 35' 30" 7.99 feet; thence
5. 264° 25' 139.18 feet along remainder of the Ahupuaa of Haena (Lot 65 and Road "H");
6. 354° 25' 197.01 feet along remainder of the Ahupuaa of Haena (Lot 67) to the point of beginning and containing an area of 28,875 square feet, more or less.

Together with an undivided one-fourth (1/4) interest in Road "H" hereinafter described.

HAENA HUI  
ROAD "H"  
TO THE OWNERS OF LOTS 65, 66, 67, AND 68 IN EQUAL SHARES

LAND SITUATED ON THE SOUTH SIDE OF ROAD "A"  
AT HAENA, HALELEA, KAUAI, HAWAII

Being a Portion of the Ahupuaa of Haena,  
Royal Patent 3596, Land Commission award 10,613, Apana 6 to Abner Paki

Beginning at the Southwest corner of the parcel of land, on the Northerly boundary of Lot 66, the coordinates of said point of beginning referred to Government Survey Triangulation Station "NIHA 2" being 358.72 feet South and 4,716.24 feet West and running by azimuths measured clockwise from true South:

1. 174° 25' 215.67 feet along remainder of the Ahupuaa of Haena (Lot 65);

Thence along remainder of the Ahupuaa of Haena (Lot 65), on a curve to the left with a radius of 15.00 feet, the chord azimuth and distance being:

2. 126° 43' 15" 22.19 feet;

Thence along the South side of Road "A", on a curve to the right with a radius of 690.00 feet, the chord azimuth and distance being:

EXHIBIT "A"

3. 261° 09' 04" 51.20 feet;

Thence along remainder of the Ahupuaa of Haena (Lot 68), on a curve to the left with a radius of 15.00 feet, the chord azimuth and distance being:

4. 38° 50' 49" 21.00 feet;

5. 354° 25' 218.53 feet along remainder of the Ahupuaa of Haena (Lots 68 and 67);

6. 84° 25' 20.00 feet along remainder of the Ahupuaa of Haena (Lot 66) to the point of beginning and containing an area of 4,757 square feet, more or less.

Being all of the land conveyed by the following:

(1) COMMISSIONERS' DEED

Grantor: HENRY C. WEDEMEYER, YEISO YAMAURA and NICHOLAS A. AKANA, Commissioners appointed in Civil No. 30 in the Fifth Circuit of Hawaii to partition the lands of Haena Hui also known as the "Hui Kuai Aina o Haena", being the Ahupuaa of Haena, also known as Royal Patent 3596, Land Commission Award 10,613, Apana 6 to Abner Paki, pursuant to the powers granted to them by said Court and in accordance with the Final Order in Partition entered on October 20, 1967

Grantee: SAM K. APO (husband of Katherine K) and HAZEL APO GROSS, no marital status shown, as Tenants in Common

Dated: November 17, 1967

Book: 5930

Page: 44

EXHIBIT "A"

- (2) ORDER APPROVING FINAL ACCOUNTS AND DISTRIBUTING AND  
SETTLING ESTATE - PROBATE NO. 2502 - FIFTH CIRCUIT COURT-  
STATE OF HAWAII - "IN THE MATTER OF THE ESTATE OF SAMUEL  
KAMUELA APO, also known as SAMUEL APO, JR. and SAM APO,  
DECEASED"

Dated: April 26, 1983

Book: 17027

Page: 77

Distributed to: ALMIRA KAWAILIULA APO, widow, as to an  
undivided one-half (1/2) interest,  
GILMAN N. APO, no marital status shown, as to an  
undivided one twenty-fourth (1/24) interest,  
ANNIE W. LACRO, no marital status shown, as to an  
undivided one twenty-fourth (1/24) interest,  
CLIFFORD K. APO, no marital status shown, as to an  
undivided one twenty-fourth (1/24) interest,  
HARTWELL P. APO, no marital status shown, as to an  
undivided one twenty-fourth (1/24) interest,  
LANI APO, no marital status shown, as to an undivided  
one twenty-fourth (1/24) interest,  
ROY K. APO, no marital status shown, as to an undivided  
one twenty-fourth (1/24) interest,  
DARRELL K. APO, no marital status shown, as to an  
undivided one twenty-fourth (1/24) interest, (deceased),  
MITCHEL K. APO, no marital status shown, as to an  
undivided one twenty-fourth (1/24) interest,  
DALPHIN A. K. APO TREMAINE, no marital status  
shown, as to an undivided one twenty-fourth (1/24)  
interest, DAPHNE A. K. APO NAWAI, no marital status  
shown, as to an undivided one twenty-fourth (1/24)  
interest, SANDRA DEE APO, no marital status shown, as  
to an undivided one twenty-fourth (1/24) interest, and  
KATHERINE EASTMAN, no marital status shown, as to  
an undivided one twenty-fourth (1/24) interest  
Re: (As to an undivided one-half (1/2) interest)

EXHIBIT "A"

- (3) ORDER APPROVING FINAL ACCOUNT, DISTRIBUTION OF ESTATE AND DISCHARGE OF PERSONAL REPRESENTATIVE - PROBATE NO. P. 99-0065 - FIFTH CIRCUIT COURT - STATE OF HAWAII - "IN THE MATTER OF THE ESTATE OF DARRELL KELII APO, also known as Darrell K. Apo, DECEASED"

Dated: August 28, 1999  
Document No.: 99-140659  
Distributed to: ASHLEY L. APO, no marital status, as to an undivided one-half (1/2) interest,  
CODY K. APO, no marital status, as to an undivided one-half (1/2) interest  
(As to an undivided one forty-eighth (1/48th) interest)

NOTE:

The Department of Health, Research and Statistics Office of the State of Hawaii discloses the marriage of HARTWELL P. APO and CHERYL-ANN KUULEIALOHA KAIMI on July 7, 1995 in Kauai, Hawaii.

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. Any variations in and along the boundaries running along the Stream, as may be caused by the natural deviation of said Stream.



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

AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
BOATING AND OCEAN RECRE  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
LAND DIVISION  
STATE PARKS  
WATER RESOURCE MANAGEMENT

Ref:PB:EAH

DEC 27 1999

Correspondence No. 00-112

Mr. Dale McBeath  
13 Quarry  
San Rafael, CA 94901

Dear Mr. McBeath,

Subject: Land Parcel at Tax Map Key 5-9-02:66

We received your letter requesting information about the Conservation District Use Application (CDUA) process for the subject parcel and we have the following comments. The land parcel on the island of Kauai designated by Tax Map Key 5-9-02:66 and within Land Division 4 is located in the Limited Subzone of the State of Hawaii's Conservation District. In addition, all neighboring parcels are also in the Limited Subzone. The closest conservation district subzone boundary borders the Resource Subzone and is approximately 1,044 ft. to the Southwest. Therefore, no subzone determination is needed for a CDUA for this parcel.

According to Section 343-5(2) HRS, all land uses in the Conservation District require an environmental assessment. A sample CDUA for a single-family residence (SFR) at Haena is attached, and includes an environmental assessment. Information regarding the EA/EIS process in the State of Hawaii can be obtained from the:

Office of Environmental Quality Control  
235 South Beretania St., Suite 702  
Honolulu, HI 96813  
(808) 586-4185

In addition, a Special Management Area (SMA) permit is required for land uses under certain conditions, however, SFRs are often exempt. On the island of Kauai, the County of Kauai administers SMA permits. Information can be obtained from the County at:

Planning Department, County of Kauai  
4444 Rice St.  
Lihue, HI 96766  
(808) 241-6677

T-2

MARYANNE W. KUSAKA  
MAYOR



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

PLANNING DEPARTMENT

March 2, 2000

Dale McBeath  
13 Quarry  
San Rafael, CA 94901

Subject: Special Management Area (SMA) requirements  
TMK:5-9-2:66, Haena, Kauai

Dear Mr. McBeath:

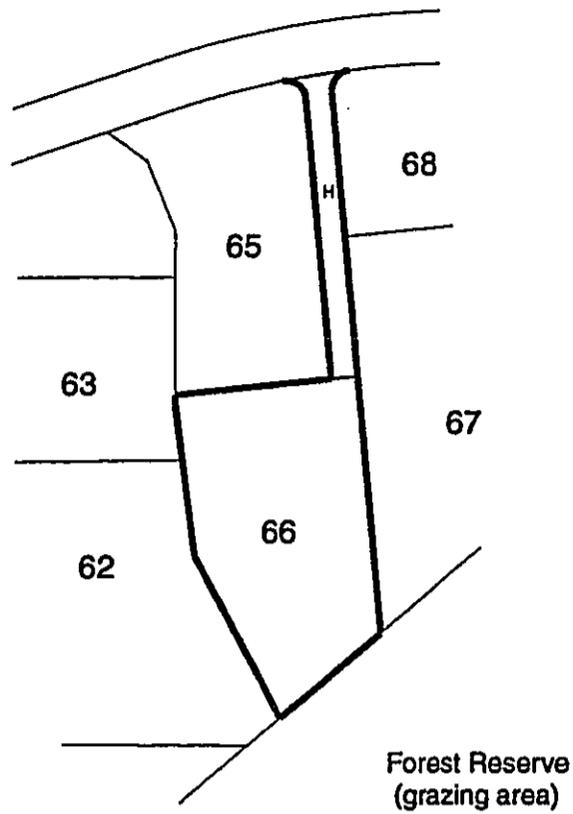
This letter is being sent to confirm that the above identified property is located within the County of Kauai SMA. However, construction of a single family residence that is not part of a larger development is not considered development according to the County of Kauai SMA Rules and Regulations. Therefore, your proposal for construction of one single family residence on the property will not require an SMA Permit.

For your information, attached are sections of the North Shore Development Plan and Comprehensive Zoning Ordinance regarding setbacks and height limitations. Please contact George Kalisik of my staff at 241-6677 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dee M. Crowell".

Dee M. Crowell  
Planning Director



**Ajoining Property Owner's Names and Addresses:**

lot 62	4-5-9-2-63	Steve Sommer PO 1411 Hanalei, HI
lot 63	4-5-9-2-62	Roger Browning 636 Crater Camp Dr, Calabasas, CA 91302
lot 66	4-5-9-2-66	Dale McBeath - Proposed home site 13 Quarry, San Rafael, CA 94901
lot 65	4-5-9-2-67	Mark Maxon and Robert Shaw 336 Corbett Ave SF 94114-1819
"H"	4-5-9-2-68	ROAD H
lot 68	4-5-9-2-69	Herbert and Helene Sukanuma 60 Todd Ave, Hilo, HI 96720
lot 67	4-5-9-2-70	Michael Schmidt PO Box 3118 Princeville HI 967722
forest reserve		Helea Forest Reserve, A&B Hawaii Inc PO 3440 Honolulu, HI 96801



**GARDEN ISLAND TREE CARE**  
Jim D. Campbell, Certified Arborist #437 & Tree Worker #192  
Hawaii Contractor's License #17532 & Insured  
1291 Puuopae Rd. Kapaa, HI 96746  
(808) 822-9620



April 30, 2000

Mr. Dale McBeath  
c/o Pixar  
1001 West Cutting Boulevard  
Richmond, CA 94804  
[dale@pixar.com](mailto:dale@pixar.com)

RE: Arborist Report on TMK: 4) 5-9-2-66, Kuhio Highway, Haena, Kauai, Hawaii

Dear Mr. McBeath;

At your request I have walked the property listed above and observed the tree and plant life. The property is heavily vegetated and consists mainly of *Terminalia catappa* (False Kamani), a mix of *Nocronhia emarginata* (Madagascar olive), *Aleurites moluccana* (Kukui) and also some tall *Cocos nucifera* (Coconut palms). The ground cover is made up of many common volunteer shrubs and vines. The staking was still there and I walked the entire area and did not see any rare or endangered plant life.

Respectfully yours,

Jim D. Campbell  
Certified Arborist

T-5

## **EA and CDUA Exhibits:**

# **Comments and Replies to Draft EA**

6/20/00 DLNR review and questions  
6/30/00 - my reply, awaiting county docs  
7/18/00 - my reply, with variance request on height  
7/03/00 - county support docs  
7/12/00 DLNR Notice of Acceptance  
7/13/00 Div of Forestry and Wildlife comments  
7/13/00 Engineering Branch comments  
7/18/00 to Princeville Library - public copy of EA  
8/03/00 DLNR OEQC notice, req for 5 copies of final  
8/16/00 DLNR - OP questions, SHPD questions  
8/11/00 - Dept of Planning questions / comments  
8/28/00 - my reply to their office  
7/25/00 - State Historic Preservation Div questions / comments  
8/28/00 - my reply to their office  
8/08/00 OEQC comments and requests  
8/28/00 - my reply to their office



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

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

JUN 20 2000

REF:PB:LT

File No.: KA-2993  
Acceptance Date: 6/13/00  
180-Day Exp. Date: 12/9/00

Mr. Dale McBeath  
13 Quarry Road  
San Rafael, CA 94901

Dear Mr. McBeath:

We have reviewed your application for a Conservation District Use Permit (CDUA) to construct a single family dwelling on land identified as TMK: (4) 5-9-02: 66, Haena, Kauai. However, before it can be accepted for processing, you will need to provide additional information in the following areas:

1. A single family residence in the Limited Subzone must be located in a floodplain or coastal high hazard area that conforms to applicable county regulations regarding the National Flood Insurance Program. Please provide documentation from the County of Kauai Planning Department that your property is in a floodplain or coastal high hazard area. Describe how the residence and road were sited and designed to mitigate it being in a flood hazard area.
2. In Exhibit 4 of Title 13, Chapter 5, of our administrative rules, the maximum height limit for structures is 25 feet. In your application, you refer to a limit of 30 feet. If you are asking the Board to grant an exception, you will need to provide evidence that the property is in a tsunami or flood prone area and the additional height limit is necessary to satisfy flood insurance provisions.
3. How much grading will be required for the residence and road i.e., provide estimates on amount of material proposed for excavation (in cubic yards).

4. Please expand discussion on the development of Road "H", and provide approvals from other three landowners who also have a 25% interest in the property.

Please provide a response to the above within thirty days of receipt of this letter so we may continue to process your application. Enclosed is the receipt for payment of the \$100 application fee. Should you have questions, please call Lauren Tanaka at (808)587-0385, Planning Branch of the Land Division.

Aloha,



Dean Uchida, Administrator

■ Dale McBeath ■

Dale McBeath  
13 Quarry  
San Rafael, CA 94901  
(415) 457-3661 h  
(510) 620-6085 w

re: File No. KA-2993

June 30, 2000

DLNR  
Lauren Tenaka  
Case Representative  
1151 Punchbowl Street  
Honolulu, HI 96822

Dear Ms. Tenaka,

Thank you for your time on the telephone 6/30/2000. As a follow up to that call and to the letter requesting additional information regarding my CDUA, I submit the following:

- 1) As for the request for documentation from the County of Kauai Planning Department that the property is in a floodplain or coastal high hazard area, I have sent a request dated 6/20 to the county offices via registered mail. It was accepted and signed for, but I have no control over how long it may take. My last request for information from them took 2 months. I will forward it on to you as soon as it arrives.
- 1b) Describe how the residence and road were sited and designed to mitigate being in a flood hazard area: The roadway is an existing parcel intended only as a road and as such named in the original land split of the Haena Hui. It can not be moved from where it was already sited. It does rest on some of the highest contours in the area, the same as the county maintained Kuhio Highway which it will join. As can be seen in the drawings submitted with the CDUA, the site of the house is on the highest continuous contours of the existing property, and will rest on a raised, stilted foundation, conforming to National Flood Insurance Program and county codes. As an aside, the house was also sited in that spot to lessen the number of trees that would have to be removed.
- 2) Maximum height allowed is 25 feet. My drawings indicate an approximate height of 30 feet: The original research indicated a 25 to 30 foot limit, and those drawings were based on that data. I have requested both county and NFIP data, and will pass these on as soon as they are available. (They are also part of the aforementioned request to the county.
- 3) How much grading (in cubic yards) will be required for the residence and road?: As I stated on the phone, DLNR representatives told me emphatically not to have engineering or construction drawings done before the permit was approved. Without

■  
13 Quarry  
SANRAFAEL, CALIFORNIA 94901  
415 457-3661

those drawings and the hiring of contractors and excavators, I can only make a guess, based on the survey drawings included in the CDUA. You indicated this would be fine, so here is my estimate:

road "H" best guess: **115 cubic yards moved as excess**

process: from map M-8a, and using grid paper, the first 'hump' had a roughly 2 foot thick ridge I'd like to smooth, that extends over roughly 60 feet. That's  $2 \times 60 \times 20$  (feet wide) = 2400 cubic feet, or 89 cubic yards. The second 'hump' has a 1 foot thick ridge over 35 feet in length, or  $1 \times 35 \times 20 = 700$  cubic feet, or 26 cubic yards. That does not include fill for tree removal, or any moved to smooth the roadbed or control drainage. This is based on an assumption that construction equipment will need this much smoothing of the 'humps'. I prefer that less dirt is moved, but I won't know until bids go out.

House site, best guess: **90 cubic yards needed as fill**

process: from map M-8b, the proposal is for the house to rest on flat grade at 12 foot elevation. Present contours show that about 1/2 the footprint slopes below that to an extreme of 2 foot below in one corner. The footprint is roughly 30x60 feet, so half that is 900 square feet. To simplify, I look at this part as a square two feet thick, and a slice diagonally gives us half, or 900 cubic feet, which is 34 cubic yards. I'll double that to include the immediate area around the house, and then end up with 70 cubic yards. The drive is an uneven area that mostly just needs to be leveled for travel, so I estimate 20 cubic yards of fill here, for a total of 90 cubic yards of fill.

*NOTE -  
see next letter  
fill not allowed*

As you can see, almost all of the dirt moved will remain on the lot, and I'd prefer not to have to haul any in or out. I feel that it will be less than my above guesses, but without going out for bid with real drawings, this is the best I can do.

- 4) Expand the discussion on the development of Road "H" and provide approvals from other 3 land-owners: Before I submitted the CDUA, I called your office to find out what was needed and why. I was told that in this case, where the road was already in place on maps and designated as such, that as I would be paying for clearing the passage, the only access to the property, that contacting the other owners would only be a courtesy, but not required. I also contacted an attorney, who cited legal precedence from the Hawaii Supreme Court regarding use of common ownership of a roadway lot (Moffat v. Speidel, 2 Haw.App. 334, 631 p.2d 1205 1981), where use of a roadway lot for its intended purpose, as long as it did not interfere with the other co-tenants rights to same use, was within tenants rights, not needing prior consent.

From our phone conversation, I understand that you also agree, and still suggest that I contact the other owners to let them know my plans. I agree this is a good idea, and once approved, or if other need arises, I will contact them. It is my understanding from our conversation, and from precedence cited above that this should not hamper the approval process.

Thank you for reviewing my application for submittal, and for taking time on the phone with me. I have found your office to be very helpful and friendly, and look forward to a good con-

tinued relationship. If I can be of further assistance, please call, write, email, or phone.

Aloha, and thank you for your valuable time

Dale McBeath  
(510) 620-6085 days, +3hours from your time  
email at [dale@pixar.com](mailto:dale@pixar.com)

■ Dale McBeath ■

July 18, 2000

Dale McBeath  
13 Quarry  
San Rafael, CA 94901  
(415) 457-3661 h  
(510) 620-6085 w

re: File No. KA-2993

**DLNR**  
**Lauren Tenaka**  
Case Representative  
1151 Punchbowl Street  
Honolulu, HI 96822

Dear Ms. Tenaka,

Please find enclosed the response letter from the county of Kauai to me for the information you requested. To Paraphrase,

- 1) The lot is in a tsunami flood zone designated VE with a flood base of 20 feet above the mean sea level (MSL) as determined by the Federal Insurance Maps panel 30C.
- 2) Grading and Excavation can only cut down in order to level or smooth an area or roadway, as no fill is allowed. Please amend my application to say that any waste from excavation or smoothing will be removed from the site, and no fill will be used, as required per the North Shore (Kauai) Drainage and Flood Plain Management Ordinance No 630, Section 15, paragraph C(1D).
- 3) The lowest horizontal member of the house must be 20 feet or greater higher than the MSL, which is in this case the same as the Base Flood height. According to the aforementioned Ordinance No 630, the county of Kauai allows the greater of either the base flood height (20) + 15 feet (35 foot elevation), or ground level (12) + 25, ( a 37 foot elevation). Based on this, I would like to ask the board to grant an exception to allow the use of the extra 2 feet the county allows making the highest point of the house 17 feet above base flood height which is 25 feet above ground level. This would allow a slightly steeper pitch to the roof.

Thank you and Aloha,

Dale McBeath

■  
13 Quarry  
SANRAFAEL, CALIFORNIA 94901  
415 457-3661

MARYANNE W. KUSAKA  
MAYOR

WALLACE G. REZENTES, SR.  
ADMINISTRATIVE ASSISTANT



CESAR C. PORTUGAL  
COUNTY ENGINEER  
TELEPHONE 241-6600

IAN K. COSTA  
DEPUTY COUNTY ENGINEER  
TELEPHONE 241-6640

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

July 3, 2000

Mr. Dale McBeath  
13 Quarry  
San Rafael, CA 94901

Dear Mr. McBeath:

SUBJECT: FLOOD ZONE INQUIRY FOR TMK 5-9-2-66, PW 6.183

This is in response to your letter of June 20, 2000 in regards to your flood zone inquiry for the subject property. Based on panel no 30C of the Federal Insurance Rate Maps (FIRM) dated March 4, 1987 the captioned property is susceptible to flooding from the Ocean. The flood zoning is a zone VE with a corresponding base flood elevation of 20 feet above mean sea level (MSL). Zone VE is described as the coastal high hazard area with wave velocity hazard (wave action). New structures that are constructed within the flood prone areas must conform with following flood requirements:

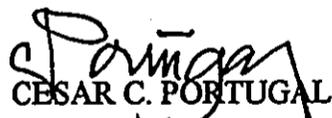
1. The lowest framing member of the structure will need to be elevated at or above 20 feet above mean sea level and noted on the building plans.
2. The building plans will need to be designed and stamped by either a structural engineer or architect duly licensed in the State of Hawaii. The above designer will need to complete a structural certification to certify that the structure is structurally stable under flooding conditions. For your convenience, we are enclosing a copy of the Coastal High Hazard Area Certification.
3. Our Drainage and Flood Plain Management Ordinance No 630, Section 15-1.5, paragraph c (1D) states "alteration of sand dunes and mangrove stands are prohibited." The County of Kauai interpreted this to mean that any fills within the coastal high hazard are (VE flood Zone) are prohibited. A notation shall be provided on the building plans that all excess wasted excavated material from the footings and grade beams shall be disposed of offsite to preserve the existing ground elevation.

Mr. Dale McBeath  
July 3, 2000  
Page 2

4. All new replacement and sanitary sewage systems shall be designed to minimize or eliminate floodwaters into the system, and discharged from the system into flood waters. The onsite waste disposal system shall be located to avoid impairment to the system from floodwaters during flooding.
5. Spaces below the base flood elevation will need to be designed as breakaway. The breakaway details will need to be shown on the building plans and certified by the designer.
6. After the lowest framing member is constructed an "Elevation Certificate" will need to be completed by either a surveyor or professional engineer duly licensed in the State of Hawaii. For your information and use we are enclosing a copy of the Elevation Certificate.
7. Our flood plain management ordinance no 630 states that within the North Shore Planning area, no structure shall be higher than twenty five (25) feet from the ground level or the base flood elevation plus fifteen (15) feet, whichever is greater at the site, unless a greater height is authorized by the Planning Commission pursuant to a use permit after review and recommendation by the North Shore Improvement Committee.

We trust the above satisfactorily responds to your inquiry. Should you have any questions, please feel free to contact Mr. Wallace Kudo of my staff at (808) 241-6620.

Very truly yours,

  
CESAR C. PORTUGAL  
County Engineer

wk

Attachment



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

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

JUL 12 2000

REF:PB:LT

File No.: KA-2993  
Acceptance Date: 6/13/00  
180-Day Exp. Date: 12/9/00

Mr. Dale McBeath  
13 Quarry Road  
San Rafael, CA 94901

Dear Mr. McBeath:

NOTICE OF ACCEPTANCE AND PRELIMINARY ENVIRONMENTAL DETERMINATION  
Conservation District Use Permit Application KA-2985  
for a Board Permit

This letter acknowledges our acceptance for processing your application to construct a single family residence on land identified by TMK: (4) 5-9-02: 66, Haena, Kauai.

According to your information, the proposed residence will be constructed primarily of wood with a non-reflective roof and be painted in earth tone colors. To raise the structure above the regulatory flood height, it will be built on a concrete or wood column foundation not exceeding 30 feet in height.

The structure will contain two bedrooms, two bathrooms, a living room/dining room/kitchen, a laundry room and a porch within a developed area not exceeding 3,500 square feet.

Parcel 68, jointly owned by the landowners of four abutting properties, will require clearing and grading for access to the subject property. A septic system with a leach field will be installed for wastewater disposal.

After reviewing the application, we find that:

1. The proposed use is an identified land use (L-6 Single Family Residence, D-1) within the Limited "L" Subzone of

the Conservation District, according to section 13-5-23, Hawaii Administrative Rules (HAR);

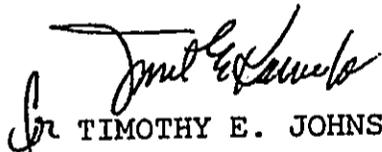
2. Pursuant to Section 13-5-40, Hawaii Administrative Rules, a public hearing will not be required; and
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Title 11, Chapter 200, HAR, a Finding of No Significant Impact (FONSI) is anticipated for the proposed project. The draft environmental assessment (EA) will be submitted to the Office of Environmental Quality Control (OEQC) for notice in the July 23, 2000 publication of the Environmental Notice (Please provide a copy of the draft environmental assessment to the public library nearest the site before July 23, 2000).

By letter of March 2, 2000, the Planning Department of the County of Kauai has determined that a Special Management Area Use Permit will not be required for this project.

Thank you for the response dated June 30, 2000. Although information from the County of Kauai's Planning Department is pending on some matters, we will begin processing this application.

Should you have any questions, please call Lauren Tanaka at (808) 587-0385, Planning Branch of the Land Division.

Aloha,

  
TIMOTHY E. JOHNS  
Chairperson

c: Kauai Board Member  
DOH/DBED&T (OP)/OEQC/OHA  
County of Kauai Plng. Dept.; PW  
DAR/DOCARE/DOFAW/HPD/Land - Eng. Branch & KDLO  
Hanalei Community Association

# Division of Forestry & Wildlife

1151 Punchbowl Street, Rm. 325 • Honolulu, HI 96813 • (808) 587-0166 • Fax: (808) 587-0160

July 13, 2000

## MEMORANDUM

TO: Lauren Tanaka, Planner  
Land Division

THRU: Dean Uchida, Administrator  
Land Division

FROM: Michael G. Buck, Administrator  
Division of Forestry and Wildlife



SUBJECT: CDUA KA-2993 for Proposed Single Family Residence by Dale  
McBeath, Haena, Kauai TMK:(4) 5-9-02: 66.

We have reviewed the CDUA application KA-2993 for the proposed single family residence by Dale McBeath on "Limited" subzone of the State Conservation District. The proposed development will not affect any of DOFAW's programs and therefore, we do not have any objections to this application. Thank you for the opportunity to comment.

C: Kauai DOFAW Branch

00. 20 11 11 11 11

DLNR-LAND DIVISION  
ENGINEERING BRANCH

REF: PB: LT

COMMENTS

The proposed construction of single Family Residence does not affect our current projects and programs.

The proposed project site, according to FEMA Community Panel Number 15002 0030 C, is located in Zones VE and AE. Zone VE is an area in coastal flood with velocity hazard (wave action); no base flood elevations determined while Zone AE is an area with base flood elevations determined.

The proposed project must comply with rules and regulations of the National Flood Insurance program (NFIP) and all applicable County Flood Ordinances. If there are questions regarding the NFIP, please contact the State Coordinator Sterling Yong, of the Department of Land and Natural Resources at 587-0248. If there are questions regarding flood ordinances, please contact the applicable County representative.

7/18/2000

Dale McBeath  
13 Quarry Road  
San Rafael, CA 94901

Princeville Public Library  
ATTN: Lani Kawahara  
P.O. Box 228901  
Princeville, Kauai, HI 96722

Dear Ms. Lani

Please find enclosed a CDUA (Conservation District Use Application), containing an Environmental Assessment for building a private residence in Haena, to be made accessible to the public at the nearest library to the site, as required by the state Department of Land and Natural Resources. I spoke to a representative from the Lihue Branch who told me you were the one to address this. Thank you very much for your time and help with this matter. If you need additional information, you can reach me at the address above, or phone: (510) 620-6085, or email: [dale@pixar.com](mailto:dale@pixar.com).

Aloha,

Dale McBeath



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

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

AUG - 3 2000

REF:PB:LT

File No.: KA-2993

Mr. Dale McBeath  
13 Quarry Road  
San Rafael, CA 94901

Dear Mr. McBeath:

Subject: Conservation District Use Permit (CDUA) Application  
KA-2993 and Draft Environmental Assessment (EA) for a  
Single Family Residence; TMK: (4) 5-9-02: 66 and 68,  
Haena, Kauai

The Office of Environmental Quality Control (OEQC) implements Chapter 343, Hawaii Revised Statutes (HRS), requiring government to systematically review the environmental, social, and economic consequences of proposed development projects.

OEQC publishes a notice of availability of both documents for a thirty (30) day public review period in their biweekly bulletin, the Environmental Notice. During this period, the Applicant responds to comments received (enclosed) and includes copies of both in a final EA together with any revisions to the application (\*\*NOTE: None of the comments require a response from you. However, the final EA will be a revised draft EA as it will reflect the changes described in your letter dated July 18, 2000).

Notice of availability of your CDUA and EA was published in OEQC's July 23, 2000 issue of the bulletin. Comments received up to August 23, 2000 may require a response. In order to meet the deadline for OEQC's publication of the final EA on September 8, 2000, you will have to submit the 5 copies to us before August 28, 2000.

This part of the process will end on October 8, 2000 and if all issues have been addressed, the Staff Planner prepares a

recommendation on the application in a report. Acceptance of this report by the Chairperson means the application is scheduled for action by the Board at one of their meetings, which are held every two weeks, on a Friday. We ask that the Applicant or a designated representative be present at this meeting to answer any questions or concerns which may be raised by Board members.

The entire process of reviewing CDUAs must be accomplished within the statutory time period of 180 days. Please feel free to call me at (808) 587-0385, should you have any questions.

Sincerely,



Lauren Tanaka



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

AQUACULTURE DEVELOPMENT  
PROGRAM  
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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
LAND DIVISION  
STATE PARKS  
WATER RESOURCE MANAGEMENT

AUG 16 2000

REF:PB:LT

File No.: KA-2993  
180-Day Exp. Date: 12/9/00

Mr. Dale McBeath  
13 Quarry Road  
San Rafael, CA 94901

Dear Mr. McBeath:

**Subject: Conservation District Use Permit Application (CDUA)  
KA-2993 for a Single Family Residence; TMK: (4) 5-9-  
02: 66, Haena, Kauai**

I am transmitting the comments submitted by the Office of Planning on your application. Please address in particular, the public access issues raised in their letter. I suggest you contact Richard Stook with that office for consultation.

To clarify my letter of August 3, 2000, the scheduling that was presented for filing the final Environmental Assessment (EA) for the proposed project with OEQC may have appeared to be a requirement for processing your CDUA. It is not required that notices to the public on the availability of the draft and final EA be published in consecutive issues of their bulletin. If we miss one, the next publication date comes in less than 2 weeks.

I would recommend that you contact the State Historic Preservation Division (SHPD) for consultation regarding their comments. Archaeological inventory surveys are conducted while the CDUA is in process when there is evidence that historic sites may be present on the property. Some landowners would prefer to wait for the Board's approval of the CDUA.

In any event, it is a practice of this office to include as one of the conditions of permit approval that prior to any land clearing activities or construction work being performed on the

property, the applicant shall submit an archaeological inventory survey for review and approval by the SHPD.

Please review and respond to the two letters and include both in the final EA. Additional comments may be forthcoming. Comments received after August 23, 2000, will be accepted provided we are notified that they will be late in coming. Do you have a FAX machine that I can access to transmit correspondences? If I may be of assistance, please do not hesitate to call me at (808) 587-0385.

Sincerely,

*Lauren Tanaka*

Lauren Tanaka, Planner  
Planning Branch, Land Division



**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**

BENJAMIN J. CAYETANO  
GOVERNOR  
SEIJI F. NAYA, Ph.D.  
DIRECTOR  
PHILIP J. BOSSERT  
DEPUTY DIRECTOR  
DAVID W. BLANE  
DIRECTOR, OFFICE OF PLANNING

**OFFICE OF PLANNING**

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846  
Fax: (808) 587-2824

Ref. No. P-8754

August 11, 2000

To: Mr. Dean Uchida  
Administrator, Land Division  
Department of Land and Natural Resources

From: David W. Blane  
Director, Office of Planning

Subject: Conservation District Use Application (Board Permit) for the Construction of a  
Single Family Residence on TMK: (4) 5-9-02: 66 at Haena, Kauai

The Office of Planning (OP) has reviewed the above-referenced Conservation District Use Application and we provide the following comments:

The applicant, Dale McBeath, proposes to construct a single-family residence on a 28,875 square foot parcel (TMK: (4) 5-9-2: 66) in Haena, Kauai. The subject parcel is located within the Limited Subzone of the Conservation District and within the Special Management Area. The proposed residence will not exceed 30 feet in height and the total area will not exceed 3,500 square feet. The residence will be constructed primarily of wood, have a non-reflective roof, will be painted an earth-tone color, and will utilize a septic system for disposal of wastewater. Access to the residence will be via a proposed roadway (referred to as "Road H") that will connect Kuhio Highway to the northeast corner of the subject parcel. The location of Road H is currently undeveloped and will need to be partially cleared.

Runoff from the project site drains into an existing intermittent drainageway which runs along the western boundary of the property. The drainageway extends north under Kuhio Highway and terminates at the beach south of Haena Point. The preservation of coastal and marine water quality and the control of non-point source pollution of coastal waters are prime concerns of the OP. The applicant should implement drainage and erosion control measures in compliance with the applicable rules and regulations of the County of Kauai and the State Department of Health both during and after construction activities.

Mr. Dean Uchida  
Page 2  
August 11, 2000

The Environmental Assessment (EA) indicates that the applicant is "not aware of any historical, cultural or archaeological sites" in the project area. The State Historic Preservation Division (SHPD) should be consulted to confirm the presence of any known archaeological features which may exist within the project area. Furthermore, in addition to informing SHPD, the applicant should immediately contact the Kauai Island Burial Council in the event human remains are inadvertently unearthed during construction activities.

The beach and near-shore waters located approximately 600 feet north of the project site are frequented by a variety of recreational users. Recreational uses of these waters include surfing, canoe paddling, gill netting, and fishing. The public has been parking along the edge of Kuhio Highway when accessing the beach.

The Road H entrance will be located along Kuhio Highway directly across from an existing roadway (Road D-2) which provides the public beach access and will be located in an area that is presently used by the public for parking purposes. Consequently, the Road H entrance will result in the loss of a portion of this off road parking area.

It appears that the existing parking area at this location along Kuhio Highway is limited (Figure 1 page M-10a). The EA does not address the availability or location of alternate off-road public parking areas in the project vicinity. Potential adverse traffic, safety and/or access-related impacts resulting from the proposed location of the Road H entrance should be adequately addressed.

Thank you for the opportunity to review the application and provide comments. If you have any questions, please contact Richard Stook at 587-2804.

cc. Ms. Esther Ueda, LUC

Dale McBeath  
13 Quarry  
San Rafael, CA 94901  
(415) 457-3661 h  
(510) 620-6085 w

David W. Blane  
Director, Office of Planning  
P.O.Box 2359  
Honolulu, Hawaii 96804

August 28, 2000

ref: P-8754

re: Reply to Comments from Draft Environmental Assessment 4-5-9-2-66,  
McBeath Residence, Haena, Kauai

Dear Mr. Blane,

Thank you for your comments regarding my CDUA/EA dated August 11, 2000. I will reply to these in the Final EA, and would like to also share them with your office directly in case you have additional comments or helpful suggestions.

1. Construction impacts. I contacted Alec Wong at the State Department of Health / Clean Water Branch, and was told there were no guidelines for single family dwellings, that they deferred to the county planning offices. I then contacted Wallace Kudo at the Kauai Planning/Public Works Division and asked for erosion and drainage guidelines for during and after construction. I was told that the only guidelines they have are for lots over one acre, but that I could get a copy of those if I wanted. I now have those, and will make sure my contractor knows of these, and that he will follow all county rules and regulations in this matter, and that he knows my desire to keep all construction debris and run off out of the drainage area.
2. Archeological Inventory / SHPD. I have contacted Nancy McMahon at the State Historic Preservation Division of the DLNR to inquire about existing records and procedures for initiating an archeological inventory of the property. I have contacted various firms that do the required work, and may start the survey even before the end of the 180 day CDUA process. If for some reason it is not done by then, it will definitely be done before any construction or clearing commences. The SPHD and the Kauai Island Burial Council will be notified if any human remains are unearthed during construction activities.
3. Road "H" impacts on off-road parking. I contacted Keith Nitta at the Kauai County Planning Office / Engineering Division who inform me that I was entitled to expect that the public would not block a drive way or access roadway, and that on the survey map, buffers were included on each side of the exit to make sure there would be a clear view for cars exiting to the highway, and that these were also meant to be non-parking areas. He also stated that the public is usually discouraged from parking on the side of the highway, though they still do it anyway. He said that his office had no problem with my plans and noted there was public parking for the beach directly opposite, on the side of the access roadway to the beach. Also, as the included picture was only of

the actual junction of road "H" with the highway, it didn't show that the same type of off-road parking was being used all along both sides of the highway, any where there wasn't an existing house or drive. I called your office and spoke to Richard Stook who indicated that I should state all of this in my reply.

Again, thank you for your comments, and my thanks to Richard Stook, who gave me pleasant and informative help along the way. Please contact me as soon as possible if I have not addressed your comments fully, as I would like to print up the Final EA soon.

Sincerely,

Dale McBeath

BENJAMIN J. CAYETANO  
GOVERNOR OF HAWAII



TIMOTHY E. JOHNS, CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES  
JANET E. KAWELO

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION  
Kakuihewa Building, Room 555  
501 Kamokila Boulevard  
Kapolee, Hawaii 96707

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

July 25, 2000

MEMORANDUM

LOG NO: 25845 ✓  
DOC NO: 0007NM11

TO: Dean Uchida, Administrator  
Land Division

FROM: Don Hibbard, Administrator  
State Historic Preservation Division 

SUBJECT: Historic Preservation Review -- File No. KA-2993  
For McBeath Single Family Residence, TMK: 5-9-02: 66  
Haena, Hanalei, Kauai

Thank you for the opportunity to comment. No completed archaeological inventory surveys have been conducted on the parcel. Burials and cultural deposits have been found in nearby parcels. If the following recommendations are followed, then we believe that the proposed work will have "no adverse effect" on significant historic sites:

1) An archaeologist inventory survey shall be conducted by a qualified archaeologist prior to construct or land clearing activities. A report documenting the archaeological work shall be submitted to the State Historic Preservation Division for review and approval. The report shall include: 1) Detail drawings of burials and deposits to scale. 2) All artifacts shall be sketched and photographed. 3) Analyses of all perishable and datable remains shall be conducted. 4) Stratigraphic profiles shall be drawn and made to scale. 5) All locations of historic sites shall be on an overall map of the project area. 6) Initial significance evaluations shall be included for each historic site found. and 7) Documentation on the nature and age of the historic sites shall be done. If significant historic sites are found then proposed mitigation or preservation plans can be submitted for review and approval.

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

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

NM:amk

Dale McBeath  
13 Quarry  
San Rafael, CA 94901  
(415) 457-3661 h  
(510) 620-6085 w

Don Hibbard  
Administrator, State Historic Preservation Division  
c/o Nancy McMahon  
5532 Tapa St.  
Koloa, Kauai, HI 96756

August 28, 2000

log: 25845, ref Doc: 007NM11

re: Reply to Comments from Draft Environmental Assessment 4-5-9-2-66,  
McBeath Residence, Haena, Kauai

Dear Mr. Hibbard,

Thank you for your comments regarding my CDUA/EA dated August 11, 2000. I will reply to these in the Final EA, and would like to also share them with your office directly in case you have additional comments or helpful suggestions.

1. Archeological Inventory / SHPD. Nancy McMahon was great help both with clarifying the situation, and with web links to information at your site. I have contacted various firms that do the required work, and may start the survey even before the end of the 180 day CDUA process. If for some reason it is not done by then, it will definitely be done before any construction or clearing commences.
2. Burials. The SPHD, the Office of Hawaiian Affairs, and the Kauai Island Burial Council will be notified if any human remains are unearthed during construction activities. I understand that other groups may need to be contacted if burials are encountered, and that the procedures for this can be found in Chapter 6E-43.

Could you please copy, or point me to an on-line source for the aforementioned Chapter 6E-43?

Again, thank you for your comments, and my thanks to Nancy McMahon, who gave me pleasant and informative help along the way. Please contact me as soon as possible if I have not addressed your comments fully, as I would like to print up the Final EA soon.

Sincerely,

Dale McBeath

BENJAMIN J. CAYETANO  
GOVERNOR



GENEVIEVE SALMONSON  
DIRECTOR

STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

236 SOUTH BERETANIA STREET  
SUITE 702  
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August 8, 2000

Dean Uchida, Administrator  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96809

Attention: Lauren Tanaka

Dear Mr. Uchida:

Subject: Draft Environmental Assessment (EA) for McBeath Single Family Dwelling, Haena, Kauai

We have the following comments to offer:

1. Two-sided pages: In order to reduce bulk and conserve paper, we recommend printing on both sides of the pages in the final document.
2. Construction impacts: In section X.C., on page 29, the draft EA states that measures will be taken to ensure that no construction materials or run-off will enter the drainage area or ocean. In the final EA please list the measures that you will implement.
3. Contacts:
  - A. Notify the State Historic Preservation Division of DLNR regarding any possible historic or archeological remains on the parcel, and notify the nearest neighbors or neighboring landowners of the proposed project.
  - B. Include copies of any correspondence with the Dept. of Health regarding installation of an individual wastewater system, and the Kauai Water Department. In the final EA document any other contacts you have made.

Dean Uchida  
August 7, 2000  
Page 2

4. Permits: List the status of all permit applications in the final EA and the anticipated start and end dates of construction.
5. Sustainable Building Design: Please consider applying sustainable building techniques as presented in the enclosed "Guidelines for Sustainable Building Design in Hawaii." In the final EA include a description of any of the techniques you will implement.

If you have any questions, call Nancy Heinrich at 586-4185.

Sincerely,



GENEVIEVE SALMONSON  
Director

Enc.

c: Dale McBeath

Dale McBeath  
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San Rafael, CA 94901  
(415) 457-3661 h  
(510) 620-6085 w

Genevieve Salmonson  
Director, OEQC  
236 South Beretania, Street  
Suite 702  
Honolulu, Hawaii 96813

August 28, 2000

re: Reply to Comments from Draft Environmental Assessment 4-5-9-2-66,  
McBeath Residence, Haena, Kauai

Dear Genevieve Salmonson,

Thank you for your comments regarding my CDUA/EA dated August 8, 2000. I will reply to these in the Final EA, and would like to also share them with your office directly in case you have additional comments or helpful suggestions.

1. Two Sided Pages. I will attempt to re-format the entire document, but can't promise this at this time. Unfortunately, the CDUA/EA examples I was given were all in the double spaced, single sided legal format. I had asked about this from the DLNR and they had indicated that single sided was easier for them to make copies from. I will try to pull it all into a more compact format for the Final EA.
2. Construction impacts. I contacted Alec Wong at the State Department of Health / Clean Water Branch, and was told there were no guidelines for single family dwellings, that they deferred to the county offices. I then contacted Wallace Kudo at the Kauai Public Works/Engineering Division and asked for erosion and drainage guidelines for during and after construction. I was told that the only guidelines they have are for lots over one acre, but that I could get a copy of those if I wanted. I now have those, and will make sure my contractor knows of these, and that he will follow all county rules and regulations in this matter, and that he knows my desire to keep all construction debris and run off out of the drainage area.
- 3A. Contacts / SHPD. I have contacted Nancy McMahon at the State Historic Preservation Division of the DLNR to inquire about existing records and procedures for initiating an archeological inventory of the property. I have contacted various firms that do the required work, and may start the survey even before the end of the 180 day CDUA process. If for some reason it is not done by then, it will definitely be done before any construction or clearing commences.
- 3B. Contacts / Wastewater System. I contacted Joe Tateyama at the County Dept. of Health, Wastewater Division, and was told that all new construction in the area had to have a septic system installed, and that they would provide the design engineer with the details when the engineering plans were

produced during the normal county permits phase.

4. Permits. There have been no other permits applied for on this project. As the finding of the board could change the overall plans, not even the architectural / engineering work has started beyond the conceptual stage (as was suggested by the DLNR). Because of this, the actual start and end of construction cannot be set, other than to say it will be within the limits set forth in the CDUA/EA. I would -like- to begin and complete as soon as possible, but permits and actual costs may be delaying factors.
5. Sustainable Building Design. I have always desired to make my home as "green" as possible, including solar water heating and low-e windows where appropriate. I appreciate the list, and will consider as many items as are feasible and possible within the constraints of the project. As can be seen from my design, most windows and doors are in the covered porch area and as such would not receive direct light except at early dawn and dusk. The others will be underneath a wide roof overhang. Any windows that pass direct sunlight will be candidates for low-e glazing. The current plan does not include air-conditioning, as it is hoped that the high flow ventilation design will keep the house cool when there are trade winds (most of the time) and the large roof vents will keep a convection of moving air when the winds are still. I will consider using local products when possible, but cost will be a factor. I will check to see if there are any county or state programs to assist when using local products, or other environmentally friendly construction methods.

Again, thank you for your comments, and my thanks to Nancy Heinrich for her pleasant and informative help along the way. Please contact me as soon as possible if I have not addressed your comments fully, as I would like to print up the Final EA soon.

Sincerely,

Dale McBeath