

# DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR  
REIKO MATSUYAMA, MANAGING DIRECTOR

November 13, 2023

Agency comments received by the Planning Department as of November 13, 2023, 9:00 am for the November 14, 2024, Planning Commission meeting regarding the following item:

- F.2.a./L.1. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2024-4) to allow construction of a new guest house and associated improvements within Lot 20-A of the Seacliff Plantation Subdivision in Kilauea, involving a parcel situated approximately 850 feet southeast of the Pali Moana Place/Iwalani Lane intersection, further identified as 3839 F Pali Moana Place, Tax Map Key: (4) 5-2-004:093 (Unit 1) affecting a portion of a larger parcel approximately 6.851 acres in size = **Nathaniel Carden and Beth Woods.**

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD, STE 555  
KAPOLEI, HAWAII 96707

DAWN H.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

LAURA H.E. KAAKUA  
FIRST DEPUTY

M. KALEO MANUEL  
DEPUTY DIRECTOR - WATER

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

October 31, 2023

Ka'āina S. Hull, Director  
County of Kaua'i  
Planning Department  
4444 Rice Street, Suite A473  
Līhu'e, Hawai'i 96766  
[khull@kauai.gov](mailto:khull@kauai.gov)

IN REPLY REFER TO:  
Project No. 2023PR01171  
Doc. No. 2310DB03  
Archaeology

Dear Mr. Hull:

**SUBJECT: HRS Chapter 6E-42 Historic Preservation Review –  
County of Kauai Special Management Area Use Permit Application SMA(U)-2024-4  
Carden-Woods Guest House Project – 3839F Pali Moana Place, Kilauea  
Owner: Nathaniel Carden and Beth Woods  
Kilauea Ahupua'a, Ko'olau District, Island of Kaua'i  
TMK: (4) 5-2-004:093:0001**

This letter provides the State Historic Preservation Division's (SHPD's) HRS §6E-42 review of the subject SMA(U)-2024-4 permit application for the Carden-Woods Guest House Project. The SHPD received the submittal on September 29, 2023, which included site/construction plans, aerial and site photos, and an SMA Permit Application Packet that includes two supporting documents: (1) *Archaeological Literature Review and Field Inspection for a 6.851-Acre Parcel at Seacliff Plantation, Kilauea Ahupua'a, Hanalei District, Island of Kaua'i, Hawai'i [TMK: (4) 5-2-004:093] Lot 20A Units 1 & 2 (Jin and Dega, September 2022)* and (2) *Ka Pa'akai Assessment Related to Native Hawaiian Traditional and Customary Practices, TMK No: (4) 5-2-004:093 (Lot 20A, Unit 2), owned by Bryan Buckley (Chang, December 2022.*

The project involves construction of a 798-sq.-ft. guest house with outdoor lanai and kitchen. The total footprint of the guest house is 1,122 sq. ft. The project area comprises a ~800-sq.-ft. portion of the 3.216-acre parcel. A farm dwelling and a pool are present on the parcel. Ground disturbing activities will include excavation for the footings/foundations, trenching for various utilities, and excavation for landscaping.

A review of SHPD records indicates that no archaeological inventory survey has been conducted for this subject parcel and no historic properties have been identified. The USDA soil survey (Foote et al. 1972) identifies the soils within the project area as Lihue silty clay 25-40% slopes (LhE2). Low potential exists for the proposed project to encounter intact significant historic properties. Additionally, SHPD made a determination of "No historic properties affected" for a previous proposed project to construct a 495-sq.-ft. guest house on the property (October 28, 2022; Project No. 2022PR01291, Doc. No. 2210LS37).

Based on the information provided, SHPD's determination is "No historic properties affected" for the current project. Pursuant to HAR §13-284-7(e), when the SHPD agrees that the action will not affect any significant historic properties, this is the SHPD's written concurrence and historic preservation review ends. The historic preservation review process is ended. The permitting and/or project initiation process may continue.

Mr. Ka'āina S. Hull  
October 31, 2023  
Page 2

Please attach to permit: In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division, at (808) 462-3225.

Please contact David Buckley, Kaua'i Lead Archaeologist, at (808) 462-3225 or at [David.Buckley@hawaii.gov](mailto:David.Buckley@hawaii.gov) for questions regarding this letter.

Mahalo,

*Alan Downer*

Alan S. Downer, PhD  
Administrator, State Historic Preservation Division  
Deputy State Historic Preservation Officer

cc: Romio Idica, County of Kaua'i Planning Department, [ridica@kauai.gov](mailto:ridica@kauai.gov)  
Laurel Loo, McCorriston, Miller, Mukai, Mackinnon LLP, [LL@m4law.com](mailto:LL@m4law.com)



November 13, 2023

Agency comments received by the Planning Department as of November 13, 2023, 9:00 am for the November 14, 2024, Planning Commission meeting regarding the following item:

- F.2.b./L.2. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2024-5), CLASS IV ZONING PERMIT (Z-IV-2024-1), and USE PERMIT (U-2024-1) to allow construction of a new farm dwelling unit and associated site improvements within lot 20-A of the Seacliff Plantation Subdivision in Kilauea, involving a parcel situated approximately 1,300 feet southeast of the Pali Moana Place/Iwalani Lane intersection, adjacent to property identified as 3839 F Pali Moana Place, further identified as Tax Map Key: (4) 5-2-004:093 (Unit 2) affecting a portion of a larger parcel approximately 6.851 acres in size = **Bryan Madani and Kiana Buckley, Trustees of The Madani Buckley Trust**. [Directors Report Received 10/24/2023].

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

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ENGINEERING  
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October 30, 2023

Ka'āina S. Hull, Director  
County of Kaua'i  
Planning Department  
4444 Rice Street, Suite A473  
Līhu'e, Hawai'i 96766  
[khull@kauai.gov](mailto:khull@kauai.gov)

IN REPLY REFER TO:  
Project No. 2023PR01168  
Doc. No. 23010DB04  
Archaeology

Dear Mr. Hull:

**SUBJECT: HRS Chapter 6E-42 Historic Preservation Review –  
County of Kauai Special Management Area Use Permit Application SMA(U)-2024-5  
Madani-Buckley Residence Project (CPR Unit 2) – 3839 Pali Moana Place, Kilauea  
Owner: Bryan Madani and Kiana Buckley – Madani Buckley Trust  
Kilauea Ahupua'a, Ko'olau District, Island of Kaua'i  
TMK: (4) 5-2-004:093:0002**

This letter provides the State Historic Preservation Division's (SHPD's) HRS §6E-42 review of permit application SMA(U)-2024-5 for the Madani-Buckley Residence Project. The SHPD received the submittal on September 29, 2023, which included site/construction plans, aerial and site photographs, and two supporting documents titled (1) *Archaeological Literature Review and Field Inspection for a 6.851-Acre Parcel at Seacliff Plantation, Kilauea Ahupua'a, Hanalei District, Island of Kaua'i, Hawai'i [TMK: (4) 5-2-004:093] Lot 20A Units 1 & 2* (Jin and Dega, September 2022) and (2) *Ka Pa 'akai Assessment Related to Native Hawaiian Traditional and Customary Practices, TMK No: (4) 5-2-004:093 (Lot 20A, Unit 2), owned by Bryan Buckley* (Chang, December 2022).

The project area comprises a ~8,531-sq.-ft. portion of the 3.635-acre parcel. The project includes the construction of an farm dwelling (4,141 sq. ft.), garage (1,050 sq. ft.), pool and pool deck (3,056 sq. ft.), driveway (3,536 sq. ft.), entry, dwelling, and water feature. Ground disturbing activities will include excavation for the footings/foundations, pool, and landscaping, and trenching for various utilities.

A review of SHPD records indicates that no archaeological inventory survey (AIS) has been conducted for this subject parcel. Jin and Dega (September 2022) recommend an AIS be conducted as a historic property (TS-1) was identified during their archaeological field inspection. TS-1 was identified as railroad bridge culvert and section of railroad track believed to be part of the railroad network built to haul sugar for the plantation operated by the Kilauea Sugar Company. Another portion of the railroad, located to the northwest was previously designated as SIHP Site No. 50-30-04-01812. Jin and Dega (September 2022) indicate additional remnant section may be yet unidentified in the project area. Lastly, the USDA soil survey (Foote et al. 1972) identifies the soils within the project area as Lihue silty clay 25-40% slopes (LhE2).

Therefore, based on project information provided, **SHPD's requests** an archaeological inventory survey be conducted for the proposed project and that an AIS report meeting the requirements of HAR §13-276-5 be submitted to SHPD for review and acceptance prior to initiation of project related work.

Mr. Ka'āina S. Hull  
October 30, 2023  
Page 2

The AIS shall be conducted by a qualified archaeologist to adequately identify and document any archaeological historic properties that may be present, assess their significance, provide a project effect recommendation, and provide appropriate mitigation recommendations. A list of permitted archaeological firms is provided on the SHPD website at: <http://dlnr.hawaii.gov/shpd/about/branches/archaeology/>.

**SHPD requests** the project proponent and archaeological firm consult with our office regarding an appropriate testing strategy prior to initiation of the AIS.

**SHPD will notify** the County when the archaeological inventory survey report and, if necessary, any archaeological mitigation plan, has been accepted and the permit issuance process may continue.

Please contact David Buckley, Kaua'i Lead Archaeologist, at (808) 462-3225 or at [David.Buckley@hawaii.gov](mailto:David.Buckley@hawaii.gov) for questions regarding this letter.

Mahalo,

*Alan Downer*

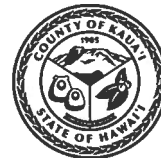
Alan S. Downer, PhD  
Administrator, State Historic Preservation Division  
Deputy State Historic Preservation Officer

cc: Romeo Idica, County of Kaua'i Planning Department, [ridica@kauai.gov](mailto:ridica@kauai.gov)  
Laurel Loo, McCorriston, Miller, Mukai, Mackinnon LLP, [LL@m4law.com](mailto:LL@m4law.com)

# DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR  
REIKO MATSUYAMA, MANAGING DIRECTOR

November 13, 2023

Agency comments received by the Planning Department as of November 13, 2023, 9:00 am for the November 14, 2024, Planning Commission meeting regarding the following item:

- F.2.c./L.3. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2024-6) to allow construction of a new carport with guest house and associated improvements on a lot situated on the mauka side of Kuhio Highway in Hanalei Town directly across the Anae Road/Kūhiō Highway intersection, further identified as 5-5501 Kuhio Highway, Tax Map Key: (4) 5-5-006:016 and containing a land area of approximately 21,780 square feet = **Hanalei O'Zone Fund LLC.**



County of Kauai  
Planning Department  
4444 Rice St., Suite A473 Lihue, HI 96766  
(808) 241-4050

FROM: Kaaina S. Hull, Director

Planner: Dale Cua

10/2/2023

SUBJECT: Special Mgt Area Permit SMA(U)-2024-6  
Tax Map Key: 550060160000  
Applicant: Hanalei O'Zone Fund LLC c/o John Kagle  
Construction of a new carport with Guest House and associated improvements.

TO:

- |  |   |
|--|---|
| <input type="checkbox"/> State Department of Transportation - STP        | <input checked="" type="checkbox"/> County DPW - Engineering          |
| <input type="checkbox"/> State DOT - Highways, Kauai (info only)         | <input type="checkbox"/> County DPW - Wastewater                      |
| <input type="checkbox"/> State DOT - Airports, Kauai (info only)         | <input type="checkbox"/> County DPW - Building                        |
| <input type="checkbox"/> State DOT - Harbors, Kauai (info only)          | <input type="checkbox"/> County DPW - Solid Waste                     |
| <input checked="" type="checkbox"/> State Department of Health           | <input type="checkbox"/> County Department of Parks & Recreation      |
| <input type="checkbox"/> State Department of Agriculture                 | <input checked="" type="checkbox"/> County Fire Department            |
| <input type="checkbox"/> State Office of Planning                        | <input checked="" type="checkbox"/> County Housing Agency             |
| <input type="checkbox"/> State Dept. of Bus. & Econ. Dev. Tourism        | <input type="checkbox"/> County Economic Development                  |
| <input type="checkbox"/> State Land Use Commission                       | <input checked="" type="checkbox"/> County Water Department           |
| <input checked="" type="checkbox"/> State Historic Preservation Division | <input type="checkbox"/> County Civil Defense                         |
| <input type="checkbox"/> State DLNR - Land Management                    | <input checked="" type="checkbox"/> County Transportation Agency      |
| <input type="checkbox"/> State DLNR - Forestry & Wildlife                | <input type="checkbox"/> KHPRC  |
| <input type="checkbox"/> State DLNR - Aquatic Resources                  | <input type="checkbox"/> U.S. Postal Department                       |
| <input type="checkbox"/> State DLNR - Conservation & Coastal Lands       | <input checked="" type="checkbox"/> UH Sea Grant                      |
| <input type="checkbox"/> Office of Hawaiian Affairs                      | <input checked="" type="checkbox"/> Other: Office of Hawaiian Affairs |

FOR YOUR COMMENTS (pertaining to your department)

This matter is scheduled for a public hearing before the County of Kauai Planning Commission on 11/14/2023 at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, at 9:00 am or soon thereafter. If we do not receive your agency comments within one (1) month from the date of this request, we will assume that there are no objections to this permit request. Mahalo!





OCT 30 '23 PM1:35  
PLANNING DEPT

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
3040 Umi St. Lihue  
Hawaii 96766

DATE: October 26, 2023

TO: To whom it may concern

FROM: Ellis Jones  
District Environmental Health Program Chief

SUBJECT: RESPONSE\_Hanalei O'Zone Fund LLC\_SMA(U)-2024-6

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

**Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.**

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

**Clean Air Branch**

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.

3. Standard comments for the Clean Air Branch are at:  
<https://health.hawaii.gov/epo/landuse/>

#### **Clean Water Branch**

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55:  
<https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standardcomments/>.

#### **Hazard Evaluation & Emergency Response Office**

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at:  
<https://health.hawaii.gov/epo/landuse/>.

#### **Indoor and Radiological Health Branch**

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, 11-504.
2. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

#### **Safe Drinking Water Branch**

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of: 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related the Safe Drinking Water program:  
<https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at:  
<https://health.hawaii.gov/epo/landuse/>.

#### **Solid & Hazardous Waste Branch**

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H and 342I, and HAR Chapters 11-58.1, and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the

electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.

3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

### **Wastewater Branch**

The use of individual wastewater systems is allowed. The type and number of individual wastewater systems to be used on each lot will be determined by the wastewater rules in effect at the time of building permit application. (They have a plan for an aerobic treatment unit for this property. The new house is under construction so the system should go in soon. They can tie in this proposed guest house when they get approval to build it)

By Revised Statute 11-62-31.1 If the parcel is less than 10,000sq feet, an individual onsite waste-water unit may not be possible for future construction. Please contact Sina Pruder at the DOH waste-water branch at 808-586-4288 for further information. For comments, please email the Wastewater Branch at [doh.wwb@doh.hawaii.gov](mailto:doh.wwb@doh.hawaii.gov).

### **Sanitation / Local DOH Comments:**

1. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
2. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure, place, or vacant lot without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure, site, or vacant lot. A demolition or land clearing permit is required prior to demolition or clearing.

### **Other**

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Kauai District Health Office at 808-241-3492.

*Ellis Jones*

*Ellis Jones*

District Environmental Health Program Chief

Office Phone: (808) 241-3326