

DW#1

ORIGINAL

STATE OF HAWAII  
LAND USE COMMISSION

RECEIVED  
JUL 12 2007



MAY 2007 FROM HALFWAY BRIDGE  
REGULAR USE OF NEW UNPERMITTED ROAD IN STREAMBED  
BY ATV'S DURING LOW STREAMFLOW PREVENTS VEGETATION  
FROM GROWING IN DISTURBED AREA AND LOOSENS SOIL WHICH  
IS CARRIED DOWNSTREAM DURING RAINY PERIODS AND HIGH STREAM LEVEL



MAY 2007 HALFWAY BRIDGE

NOTE THE PLACES WHERE SOIL IS PUSHED INTO STREAMBED  
BY MACHINE LIKE A BOBCAT. ROAD IS FLOODED ANNUALLY.  
TESTIMONY OF DAVID WHATMORE BEFORE THE STATE L.U.C.  
SP 05-399 KAUAI ATV LLC. JULY 12, 2007 HAWAII



JULY 10, 2007

ROAD ON LEFT IS A CANE HAUL ROAD.  
ROAD ON RIGHT IS A NEW ROAD THAT UNDERCUTS THE OLD ROAD  
AND DESTABILIZES THE AG LAND ABOVE, AND WAS BUILT  
FOR USE BY KAUAI ATV.



JULY 10, 2007

THIS NEW ROAD IS NOT A TRAIL AND THE MANY CUTS OVER 5 FEET  
REQUIRE A GRADING PERMIT, SEDIMENTATION & EROSION CONTROL PLANS,  
LAW REQUIRES "BEST MANAGEMENT PRACTICES" TO PREVENT SEDIMENTATION  
OF STREAMS AND PROPERTY DAMAGE, THIS ROAD GOES DOWN TO STREAMBED.

TESTIMONY OF DAVID WHATMORE  
JULY 12, 2007

STATE OF HAWAII L.U.C.  
RE: SP 05-399 KAUAI ATV

DW#3



JULY 10, 2007

THIS NEW ROAD CUT ON THE KAUAI ATV WATERFALL TOUR IS DANGEROUS TO PEOPLE ON THE ROAD AND TO PROPERTY ABOVE, AND TO THE STREAMBED BELOW BY SLUMPING AND EROSION. THERE ARE A FEW CUTS THIS LARGE ON THE NEW ROAD. REQUIRES PERMIT.



JULY 10, 2007

THIS CUT WAS MADE ABOUT JULY 3 ON WATERFALL TRAIL IT IS DANGEROUS TO PEOPLE AND STEEP SLOPE ABOVE THE CUT. IT REQUIRES A GRADING PERMIT IN ADVANCE BECAUSE IT EXCEEDS 5 FEET. THIS DAMAGE CAN NEVER BE COMPLETELY UNDONE.

TESTIMONY OF DAVID WHATMORE  
JULY 12, 2007

STATE OF HAWAII L.I.C. DW #4  
RE: .SP 05-399 KAUAI ATV

CONTRARY TO PRIOR TESTIMONY  
OF APPLICANT, TREES WERE CUT  
IN MAKING STAIRWAY TO  
WATERFALL ABOVE HULEIA STREAM

APPLICANT TESTIFIED 4/26/07

JULY 2007



DW #4



MAY 2007



MAY 2007



JULY 10, 2007



7/10/2007

CONTRARY TO #1 ON APPLICANTS  
LETTER TO KAUAI COUNTY  
PLANNING COMMISSION, 8/24/00  
ROUTES WERE CONSTRUCTED  
AND VEGETATION DISTURBED.

ON TOP PICTURE NOTE THAT  
DIRT IS PUSHED INTO STREAMBED  
NEAR BOTTOM OF STEEP ROAD  
AND VEGETATION WHICH PREVENTS  
EROSION INTO HULEIA STREAM  
HAS BEEN DISTURBED.

APPLICANT'S #3 8/24/00  
"THERE ARE NO IMPROVEMENTS  
ALONG THE ROUTE OF THE TOURS."  
PERHAPS DESTRUCTION IS NOT  
CONSIDERED AN IMPROVEMENT

**Notice to Applicant:**

D.W.#6

ORIGINAL

- (1) If your planned excavation or backfill is less than 100 Cubic Yards, does not alter the general drainage pattern to the detriment of the abutting properties, and does not exceed five (5) feet at its deepest height or depth, you are **not required to obtain a grading permit.**

Form DPW-ENGR 2005  
April 2005

- (2) If your planned excavation or backfill is more than 100 Cubic Yards but less than 150 Cubic Yards, does not alter the general drainage pattern of the abutting properties, and does not exceed five (5) feet at its deepest height or depth, in lieu of obtaining a grading permit, you are **required to fill and application for a Notice of Intent to grade and/or grub and obtain approval thereof from the Engineering Division.**

- (3) You are, however, required, by law, to incorporate Best Management Practices to the maximum extent practicable to prevent damages by sedimentation to streams, watercourses, natural areas and the property of others.

- (4) See the appropriate Engineering Division Personnel for guidelines on what Best Management Practices to employ and implement.

**The Application shall be accompanied by four (4) sets of the following documents:**

1. **Grading, Sedimentation, and Erosion Control Plans drawn to a convenient engineering scale showing:**
  - a. Vicinity Map and North arrow, property lot lines, easements, setback lines
  - b. Location of any building, structure, and improvements on the property where the work is to be performed and the location of any building or structure on adjacent land which is within fifteen (15) feet of the property to be graded.
  - c. Elevations showing the topography of the existing ground by contours of other means and extending fifteen (15) feet into the adjacent property.
  - d. Elevations showing the finished grading, the extent of the grading work or the grading limits.
  - e. The area in square feet of the land to be disturbed, and the quantities of excavation and fill involved and the method of calculation.
  - f. Best Management Practices to be used to control dust emissions, sedimentation, and erosion to the maximum extent practicable by watering with trucks or sprinklers, erection of dust fences, limiting the area of disturbance, and timely grassing of disturbed areas.

ORIGINAL

2

NEW ROAD

1

SP 05-399  
LUC 7/12/07  
DW#7

