

STATE OF HAWAII LAND USE COMMISSION



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



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 KAWAT ATV LLC. JULY 12, 2007 HAWALI



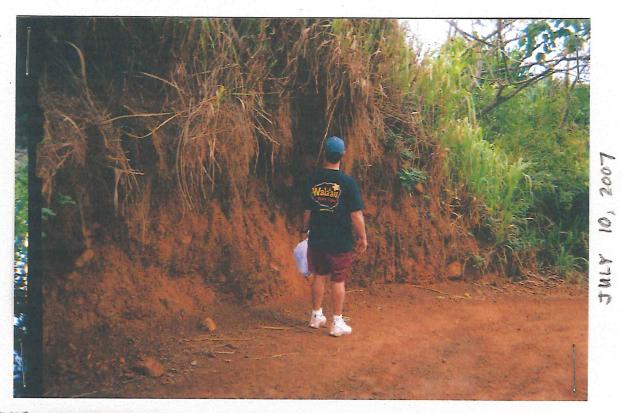
ROAD ON LEFT IS A CANE HAUL ROAD.

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.



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.



THIS NEW ROAD CUT ON THE KAUAT 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 GUTS THIS LARGE ON THE NEW ROAD, REQUIRES PERMIT.



THIS CUT WAS MADE ABOUT JULY 3 ON WATERFALL TRAIL IT IS DANGEROUS TO PEOPLE AND STEEP SLOPE ABOVE THE CUT. IT REQUIRES A GRAPING 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. U.C. DW #4-RE: SP 05-399 KAUAE ATV

CONTRARY TO PRIOR TESTIMONY OF APPLICANT, TREES WERE CUT IN MAKING STAIRWAY TO WATERFALL ABOVE HULEIA STREAM APPLICANT TESTIFIED 4/26/07

DW #4

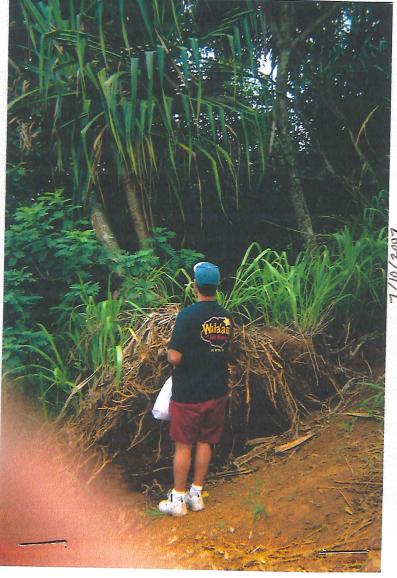


JULY

MAY 200



5uly 10, 2007



CONTRARY TO \$1 ON APPLICANTS
LETTER TO KAUAT 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

NOTHERE ARE NO IMPROVEMENTS
ALONG THE ROUTE OF THE TOURS!

PERHAPS DESTRUCTION IS NOT
CONSIDERED AN IMPROVEMENT

D.W#6 ORIGINAL

Notice to Applicant:

(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.

