



## OFFICE OF PLANNING STATE OF HAWAII

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Ref. No. P-14640

January 29, 2015

Mr. Peter T. Young, President  
Hookuleana LLC  
1539 Kanapuu Drive  
Kailua, Hawaii 96734

Dear Mr. Young:

Subject: HoKua Place  
HG Kauai Joint Venture  
Section 343-5e HRS Environmental Impact Statement Preparation Notice  
TMK: 4-3-003: por. 001  
Kawaihau District, Wailua, Kauai, Hawaii

Thank you for the opportunity to review and comment on the preparation of a Chapter 343, Hawaii Revised Statutes, Environmental Impact Statement Preparation Notice (EISPN). The 97-acre project is proposed for approximately 683 multi-family and 86 single family units including parks, and 1.4 acres of commercial use. The document also indicates that the adjacent HoKua farm lots shares some of the project infrastructure.

The Office of Planning (OP) has the following comments.

1. OP has some general comments on the document as follows:
  - a. The resolution and clarity of some of the appendices were poor. We recommend that this improve in the DEIS document. Some of the passages and letters, etc., were difficult to read. For example, the letters in the EISPN Exhibit L, Archaeological Assessment.
  - b. Each chapter, subsection and appendix in the CD should be bookmarked. On the CD at least, appendices should be full sized for readability.
  - c. Although some of the maps in the document contained a scale and legend, the maps were not uniform in this respect. Thus, all of the map exhibits throughout the document should be of high resolution, contain a legend, north arrow and scale. Also, the Petition area should be highlighted, and separated from Kapaa Highlands I.
  - d. A list of permits required should be clearly indicated.
2. OP is the lead agency for the Hawaii CZM Program. The coastal zone management area is defined as "all lands of the State and the area extending seaward from the shoreline to the

limit of the State's police power and management authority, including the U.S. territorial sea" see HRS § 205A-1 (definition of "coastal zone management area").

The Draft Environmental Impact Statement (DEIS) shall include a statement in a section that addresses how the project conforms or is in conflict with state and county plans, policies, and controls. The statement should include a discussion of the proposed project's ability to meet all of the objectives and policies set forth in HRS § 205A-2. Where a conflict or inconsistency exists, the statement must describe the extent to which the applicant has reconciled its proposed action with this statute. These objectives and policies include: recreational resources, historic resources, scenic and open space resources, coastal ecosystems, economic uses, coastal hazards, managing development, public participation, beach protection, and marine resources.

3. This project may have nonpoint pollution impacts on the watershed or coastal waters. Please review the Hawaii Watershed Guidance, which provides a summary and links to management measures that may be implemented to minimize coastal nonpoint pollution impact. Specifically please examine page 120 (management measure for new development). The Watershed Guidance can be viewed or downloaded from the Office of Planning website at [http://files.hawaii.gov/dbedt/op/czm/initiative/nonpoint/Hi Watershed Guidance Final.pdf](http://files.hawaii.gov/dbedt/op/czm/initiative/nonpoint/Hi_Watershed_Guidance_Final.pdf).
4. The entire island of Kauai is subject to very flashy/unstable weather patterns year round. Therefore please consider utilizing OP's *Stormwater Impact Assessment* to identify and evaluate information on hydrology, stressors, sensitivity of aquatic and riparian resources, and management measures to control runoff occurrences. In particular, please examine Low-Impact Development Concepts. These concepts include decentralized micro-scale controls that infiltrate, filter, store, re-use, evaporate, and detain runoff close to its source.

This guidance document will assist in integrating stormwater impact assessment within your review process. The purpose of this document is to provide guidance on assessing stormwater impacts in the planning phase of project development. The goal is to provide a suggested framework and various tools for integrating stormwater impacts assessment. Please review the Low-Impact Development Concepts listed on pages 14-16 of the *Stormwater Impact Assessment* guidance. This can be found at [http://files.hawaii.gov/dbedt/op/czm/initiative/stomwater\\_impact/final\\_stormwater\\_impact\\_assessments\\_guidance.pdf](http://files.hawaii.gov/dbedt/op/czm/initiative/stomwater_impact/final_stormwater_impact_assessments_guidance.pdf).

5. The entire site is within the State Agricultural District. The proposal will require that the Property is reclassified to the State Urban District through the Land Use Commission. OP represents the State as a mandatory party in proceedings before the Land Use Commission. In developing its position, OP evaluates whether the project meets the LUC decision-making

criteria in HRS § 205-17, as well as its conformance with Coastal Zone Management objectives and policies in HRS § 205-A-2.

6. Attached for your review and consideration in your environmental assessment and Petition is a document entitled "Attachment A – Issues of Concern in District Boundary Amendment Proceedings Based on LUC Decision-Making Criteria." We encourage early consultation with our office to discuss how a petition will address these issues and criteria – particularly the areas of State concern in this document and best practices that could or will be incorporated in the proposed project to address State priority guidelines for sustainability. A short list of resources related to best practices can be found at the OP website at [http://hawaii.gov/dbedt/op/land\\_use.htm](http://hawaii.gov/dbedt/op/land_use.htm).
7. 4.1.4 Potential Project Impacts in Context with Applicable Requirements & Mitigation Measures, Page 28. Hawaii HRS. Chapter 205A should be included in this list.
8. Invertebrate Survey. Page 61. The document indicates that no survey was completed, because there were no lava tubes on site, however, a survey should be conducted on the surface area of the Petition area, and included in the DEIS.
9. Botanical, Biological, Avian, and Mammal Surveys, Pages 52-61. We recommend that a definitive statement be included on the presence of any Federal or State threatened, endangered, candidate or species of concern within the Petition area.
10. Hawaiian Bat. The document indicates that a bat detector was not used to determine the presence of the endangered Hawaiian Bat. We recommend that further study be done in this area, and this should be included within the DEIS.
11. Archaeological Assessment, Exhibit L, by Nancy McMahon, M.A. and Wendy Tolleson, M.A. The EISPN did not include an Archaeological Inventory survey, because as indicated on page 29, Recommendations, "As no archaeological sites are present, there are no historic preservation concerns for the project." Thus, no further work was recommended. Letters were also included from the State Department of Land and Natural Resources, State Historic Preservation Office, however these are difficult to read.
12. Agricultural Resources. Information is included on the designations for the Land Study Bureau, but we could not locate any information on ALISH designations. If the document does not include this information, then the DEIS should include additional information on agricultural resources. Appropriate maps should also be included.
13. State Land Use (SLU) Districts. An SLU map should also be included of the area, and Petition area.

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Thank you for the opportunity to review this project. If you have any questions please call either Josh Hekeia of our Coastal Zone Management Program at 587-2845 or Lorene Maki of our Land Use Division at (808) 587-2888.

Sincerely,



Leo R. Asuncion  
Acting Director

c: ✓ Land Use Commission

Enclosure

**Attachment A**  
**Issues of Concern in District Boundary Amendment Proceedings**  
**Based on LUC Decision-Making Criteria**

LAND USE COMMISSION  
STATE OF HAWAII

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The following issues are commonly discussed and analyzed for project proposals in petitions and their supporting environmental assessments (EAs) or environmental impact statements (EISs) prepared pursuant to Chapter 343, Hawai'i Revised Statutes (HRS). This list reflects the range of issues the State Land Use Commission (LUC) must take into consideration in its decision-making under Chapter 205, HRS, and Chapter 15-15, Hawai'i Administrative Rules (HAR). This list is not exhaustive or complete.

1. **Water Resources.** Groundwater and surface water resource protection and water quality are critical State issues. A thorough evaluation of these resources includes identifying and discussing: (a) estimated water demand by types of land use; (b) proposed potable and non-potable water sources to be used for the project and measures to reduce water demand and promote water reuse in the project; (c) whether the proposed project is within a designated Water Management Area; (d) the impact of the project on the sustainable yield and water quality of affected aquifers and surface water sources; (e) permits or other approvals required for proposed water source use; and (f) the consistency of the project and impact of the project in terms of proposed water use and system improvements and priorities contained in the County water use and development plan, prepared pursuant to the State Water Code, Chapter 174C, HRS.
2. **Agricultural Lands.** Article XI, Section 3, of the Hawai'i State Constitution provides that "[t]he State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands." Protecting agriculture is a policy objective in the Hawai'i State Plan, Chapter 226, HRS, and in the State Administration's New Day Comprehensive Plan, which is available at <http://hawaii.gov/gov/about/a-new-day>. Agricultural activity in the vicinity of the proposed project should be identified, and the impact of urban use or conversion of project lands on existing and future agricultural use and the viability of agricultural use of adjoining agricultural lands needs to be examined. Please discuss how the proposed project meets policy objectives to promote and protect agriculture, particularly in cases where the lands have high agricultural value.
3. **Affordable Housing.** Increasing the supply of affordable housing is a critical State and County issue. Every County has an affordable housing policy and both the Hawai'i State Plan, Chapter 226, HRS, and the State Administration's New Day Comprehensive Plan identify affordable housing as a policy priority. If applicable, please discuss specifically how the proposed project will meet State and County affordable housing policy objectives, to include a discussion of how the project's proposed residential product types will be allocated among the market and various affordable housing target populations, and the expected price ranges for the different product types.
4. **Coastal Zone Management (CZM).** The Office of Planning is the lead agency for the Hawai'i CZM Program, which is a Federal-State partnership for protecting, restoring, and responsibly developing coastal communities and resources. The coastal zone is defined as all lands of the State and the area extending seaward from the shoreline to the limit of the State's police power and management authority, including the United States territorial sea (HRS § 205A-1). EA/EISs should reference this definition of the coastal zone. State agency actions must be consistent with the CZM program objectives and policies under Section 205A-2, HRS. The EA/EIS needs to discuss the project in terms of its consistency with the following CZM objective areas.
  - a. **Coastal and Ocean Resources.** The State has an interest in protecting coastal and marine ecosystems and resources, as well as coastal and marine water quality. The EA/EIS should identify any coastal and marine resources and ecosystems that may be impacted by the proposed project, and the potential for nonpoint sources of pollution from the project to adversely affect coastal and marine water quality. Project impacts on existing site and offsite

hydrology and measures to manage stormwater and runoff need to be discussed. The Office of Planning recommends the use of low impact development (LID) techniques and other best management practices (BMPs) that promote onsite infiltration and minimize runoff from storm events. More information on LID and stormwater BMPs can be found at <http://hawaii.gov/dbedt/czm/initiative/lid.php>.

- b. **Coastal and Other Hazards.** The EA/EIS should describe any hazard risks that are relevant to the site and describe the measures that are proposed to mitigate any hazard impacts, such as from tsunamis, hurricane, wind, storm wave, sea level rise, flood, erosion, volcanic activity, earthquake, landslide, subsidence, and point and nonpoint source pollution. This should include a discussion of any wildfire hazard and any mitigation measures that might be required to address potential threats from wildfires.

The EA/EIS process also provides an opportunity to address the sustainability of proposed projects in terms of natural hazards and hazard mitigation, and the potential impact of climate change on the proposed project over time. To this end, OP recommends the final EA/EIS include a discussion of the proposed project with respect to the *State Multi-Hazard Mitigation Plan, 2010 Update*, adopted in September 2010, available at <http://www.scd.hawaii.gov/documents/HawaiiMultiHazardMitigationPlan2010PUBLIC.pdf>, as well as the respective County Hazard Mitigation Plan.

- c. **Coastal-dependent Uses and Beach Protection.** If the project is located on or near the coast, the EA/EIS should discuss why the proposed development needs to be located on the coast, the economic uses that will be of benefit to the State, as well as potential impacts on beach access. The discussion should identify measures to protect beach systems and ensure short- and long-term public access to beaches.
- d. **Coastal Recreational Resources.** If the project is located on the coast, the EA/EIS should include a description of recreational uses and facilities on or near the project site, and discuss how the impact of increasing users on coastal and ocean recreational resources and competing uses will be mitigated and managed during project development and buildout.
- e. **Scenic Resources.** The EA/EIS should discuss the impact of the proposed project on scenic views to and from the coast and along the coast and coastal open space, and how any impacts on these scenic and open space resources will be avoided, minimized, or mitigated.
- f. **Special Management Area (SMA) Permitting.** The SMA is defined by the Counties and includes areas in the coastal zone that are particularly sensitive so that it requires special attention. Please identify whether the proposed project is within the SMA and how SMA permitting requirements pursuant to Chapter 205A, HRS, will be satisfied.

For additional resources and information, visit <http://hawaii.gov/dbedt/czm>.

- 5. **Cultural, Archaeological, and Historic Resources.** Another CZM objective is to protect, preserve, and where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone that are significant in Hawaiian and American history and culture. If archaeological or historic properties or artifacts, including native Hawaiian burials, are identified in an archaeological inventory survey on the property, the EA/EIS should discuss how the petitioner has consulted with the State Historic Preservation Division (SHPD), what plans will be prepared to monitor or protect identified resources, and how the petitioner intends to comply with Chapter 6E, HRS, related to historic preservation, and the CZM objective and policies for historic resources contained in Sections 205A-2(b) and (c). SHPD has information and guidance available at <http://hawaii.gov/dlnr/hpd/hprtgt.htm>.

The EA/EIS document should identify any cultural resources and cultural practices associated with the property, including visual landmarks, if applicable, and discuss the impact of the proposed project on identified cultural resources and practices as well as proposed mitigation measures. The LUC is obligated

under Article XII, Section 7 of the Hawai'i State Constitution to protect the reasonable exercise of customarily and traditionally exercised native Hawaiian rights. Thus, the LUC requires information as to the presence of cultural resources and cultural practices associated with the project site and vicinity for decision-making on petitions. The State Office of Environmental Quality Control provides guidance for preparing a cultural assessment at <http://oeqc.doh.hawaii.gov>, at "Environmental Assessment PrepKit." ([http://oeqc.doh.hawaii.gov/Shared%20Documents/Preparation of Hawaii Environmental Policy Act Documents/Guidance on Cultural Impact/1997%20Cultural%20Impacts%20Guidance.pdf](http://oeqc.doh.hawaii.gov/Shared%20Documents/Preparation%20of%20Hawaii%20Environmental%20Policy%20Act%20Documents/Guidance%20on%20Cultural%20Impact/1997%20Cultural%20Impacts%20Guidance.pdf))

6. **Biota.** The EA/EIS should include an inventory and assessment of flora and fauna, including invertebrates, found on or in proximity to the project site and in any lava tubes and caves on the property that are listed on the federal or State list of endangered or threatened species. Please also discuss species of concern and candidates for listing. The petitioner should consult with the Database Manager at the Hawai'i Biodiversity and Mapping Program, Center for Conservation Research and Training, University of Hawai'i, (808) 956-8094, as to the potential for the presence of rare species in the project area. The EA/EIS should discuss measures to be taken to protect rare, threatened, or endangered species or ecosystems of concern as required by law. The design of the biological survey should consider both wet and dry season observations to capture the fullest range of flora and fauna.
7. **Wastewater Treatment and Disposal.** The EA/EIS needs to identify the anticipated volume of wastewater to be generated by type of user, as well as the proposed means of wastewater treatment and disposal. A discussion of the availability of County wastewater collection and treatment capacity and its existing service levels, design capacity, and allocated capacity is also needed. The EA/EIS should also identify whether any facility improvements would be required to accommodate additional wastewater generated within the service area, including the proposed project. If a private wastewater treatment system is identified as the preferred option, the EA/EIS should discuss the type of plant to be used, permitting requirements, plans for reuse and/or disposal of treated effluent and waste solids, and how the private system will be operated and maintained.
8. **Energy Use and Impacts.** The State Hawai'i Clean Energy Initiative has adopted a goal of using efficiency and renewable energy resources to meet 70 percent of Hawai'i's energy demand by 2030, with 30 percent from efficiency measures and 40 percent from locally-generated renewable sources. The EA/EIS should quantify the projected energy requirements of the project and discuss measures to be taken to reduce energy demand, promote energy efficiency, and to promote use of alternative, renewable energy sources. Please discuss how energy efficiency and energy demand reduction, including reduced transportation energy use will be incorporated in the design of the project and identify the kinds of green building and sustainable design practices that could be used to promote energy and resource conservation in the proposed project. Please also identify any generating or transmission capacity constraints that may arise as a result of the proposed project and other projects planned for the region.
9. **Impact on State Facilities and Resources.** The EA/EIS should quantify the impacts of the proposed project on State-funded facilities, including schools, highways, harbors, and airports, and discuss these impacts in terms of existing and planned capacity of the impacted facilities. The EA/EIS should cite the mitigation measures proposed to be used in the development of the project and describe efforts to address identified State agency concerns. Regarding transportation impacts, consider project design options that limit the need to drive, including mixed land uses, compact site design, walkable neighborhoods, and providing a variety of transportation choices (e.g., biking, public transit, etc.).
10. **Conservation District.** If the proposed project is within the State Conservation District, the EA/EIS should provide an inventory of conservation resources, and discuss how the loss of these resources (habitat, watershed area, etc.) will impact the public.

11. **Conformance with County Plan Designations and Urban Growth or Rural Community Boundaries.** Act 26, Session Laws of Hawai'i 2008, reaffirmed the Land Use Commission's duty to consider any proposed reclassification with respect to the Counties' adopted general, community, or development plans. If the proposed project is not consistent with the County plans or lies outside a County urban growth or rural community boundary, the EA/EIS should provide an analysis and discussion of the following:
  - a. **Alternative Sites Considered.** Describe and discuss alternative sites that were considered for the project, and discuss why the project could not be accommodated on lands within the urban growth or rural community boundary, if the county plan delineates such boundaries, or on land already designated by the county for similar uses.
  - b. **Impact on Surrounding Lands.** Discuss what the impacts of changing the county plan designation or extending the urban growth or rural community boundary would have on the surrounding lands.
  - c. **Significant Public Benefit.** Discuss what, if any, public benefits are provided by the proposed project above that already required under existing approval and permitting requirements.
  - d. **Plan Amendment.** Provide a timeframe for application for and approval of any required plan amendment.
12. **Environmental Health Hazards.** The EA/EIS should discuss the potential for the project or project users to generate hazardous materials or release possible contaminants to the air, soil, or water, as well as measures to be taken to ensure that environmental and public health and safety will be protected during construction and after buildout. The EA/EIS should also identify and discuss any potential health and environmental threats that may be present due to site-specific contamination from past or current use. If contaminants of concern are identified for the project site, OP recommends that the petitioner consult with the State Department of Health's Hazard Evaluation and Emergency Response Office as to measures to be taken to address possible or actual contamination at the site.
13. **Solid Waste Management.** The EA/EIS should quantify the volume of solid waste likely to be generated by the project by types of users, and describe the impact the project will have on the County's existing and planned capacity for managing solid waste as represented in the County's solid waste management plan. The EA/EIS should discuss specific mitigation measures to be taken to reduce solid waste generation and ensure that recycling and reuse are incorporated within the project area by residential, commercial, and institutional users.
14. **Sustainability Analysis.** OP is implementing the sustainability elements of the State Administration's New Day Comprehensive Plan and Act 181, Session Laws of Hawai'i (SLH) 2011 (the new sustainability priority guideline of the Hawai'i State Planning Act) by asking petitioners to prepare sustainability plans for their projects in anticipation of district boundary amendment proceedings before the LUC. LUC Dockets A06-771, DR Horton-Schuler Homes (Ho'opili) and A11-793, Castle & Cooke Homes (Koa Ridge Makai/Castle & Cooke Waiawa) provide a good point of reference for sustainability plans. The Koa Ridge Sustainability Plan and Ho'opili Sustainability Plan can be found on the LUC's web site under each respective docket's exhibits. Links to additional helpful resources can be found at the OP website at [http://hawaii.gov/dbedt/op/land\\_use.htm](http://hawaii.gov/dbedt/op/land_use.htm).

OP evaluates sustainability plans based on the *Healthy Community Design Smart Growth Checklist* prepared by the Hawai'i State Department of Health, Built Environment Working Group, which recommends that State and county planning departments, developers, engineers, and other professionals apply healthy built environment principles when they plan or review new



developments or redevelopments. See <http://hawaii.gov/health/environmental/env-planning/landuse/hcdchecklist.pdf>.

The *Checklist* is adapted from the *Smart Scorecard for Development Projects* (Congress for New Urbanism and the U.S. Environmental Protection Agency, 2002) and *East Garrison Smart Growth Checklist* (Monterey, CA). The checklist applies Smart Growth principles to accomplish the following:

- Promote fitness through safe walking, biking, and other active transportation through connectivity of planned bikeways and paths with existing and adjacent networks, designing travelways that connect multiple destinations and encourage non-vehicular travel.
- Promote clean air by making transit convenient and comfortable, minimizing petroleum-fueled car and truck use, and minimizing fossil energy use.
- Promote a healthy environment by buying green products, reducing, reusing, and recycling, and minimizing waste in construction, operations, and demolition.
- Promote fitness and health by encouraging home and community gardens.

Factors to consider include Close Proximity to Existing/Future Development and Infrastructure; Site Optimization and Compactness; Mix and Balance of Uses; and Accessibility and Mobility Choices. The *Checklist* is flexible so that developers can implement what works for their particular development. It is also consistent with the objectives of Act 181, SLH 2011, and can help petitioners address reasonably foreseeable impacts caused by a proposed project on areas of State concern listed under Section 205-17, HRS.

15. **Development Timetable.** The LUC requires that projects seeking reclassification be substantially completed within ten years or seek incremental approvals, pursuant to Section 15-15-50, HAR. The EA/EIS and/or petitioner should provide a schedule of development for each phase of the total project and a map showing the location and timing of each phase or increment of development. Regarding infrastructure (e.g., highway improvements), the petitioner should discuss how improvements will be completed to ensure that mitigation coincides with the impact created by the proposed project.

